

AMERICAN GOVERNMENT

A CONSIDERATION OF THE PROBLEMS OF DEMOCRACY

1947

BY

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*"It is the duty of the government to make it
easy for the people to do right, and difficult
for the people to do wrong." — W. E. Gladstone*

ALLYN AND BACON

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Publisher's Note Magruder's *American Government*
is revised at least once a year, to bring it thoroughly up
to date

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FOREWORD

In this 1947 edition of *American Government* the form and functions of government are brought up-to-date as in former editions. Increased emphasis is placed on such social legislation as housing and veterans' benefits, progressive planning for continued full employment with the aid of public works, military scientific research, defense, and foreign policies; and peace with justice, security, and abundance.

No government can rise higher than its source. In a monarchy that source is a king or dictator; in an oligarchy it is a ruling class, in a democracy, it is the people themselves. The future of democracy rests with the people. If the people take an interest in government, make a study of it, and work at it, democracy will be preserved and perfected.

SUGGESTIONS FOR TEACHERS

A workbook, *Our Government at Work*, is published to accompany *American Government*. It contains *Information Tests* which give objective questions covering the essential facts, a set of *Summary Questions* which enable the students to express the substance in their own words, *Thought Questions* that should stimulate original thinking, and *Unit Tests*. For schools that use the laboratory approach, the workbook suggests numerous activities, accompanied by bibliographies carefully selected for high school use. A *Teachers' Manual* is also provided.

Erbe and Denny's *American Government Tests*, published by Allyn and Bacon, may be used to advantage with this text.

At the end of each chapter of *American Government* is an annually revised bibliography for teacher or student use.

Each student should be encouraged to subscribe for an inexpensive weekly magazine of political events, such as *The American Observer*, *Our Times*, the *United States News*, or *Scholastic*.

Invite your Congressman, State Legislators, County Officials, or City Officials to explain their problems to your class — provided it is large enough to justify taking the official's time.

Interest in the course will be stimulated if a trip can be arranged to Washington, to your State Capital, to the county courthouse, to the city hall, or to any nearby public institution.

All students should read the Constitution (Appendix I in this volume) before studying chapters IV to VIII.

The high school library should contain as many as possible of the following texts:

Anderson, W. *National Government*. 1946

Beard, Chas *American Government and Politics* 1944

Corwin, E S *The Constitution and What It Means Today* 1946.

- Johnson, Claudius *American National Government* 1945
Kalijarvi, T. V *Modern World Politics* 1945 ed
Macdonald, A *American State Government and Administration.* 1945
Macdonald, A *American City Government and Administration* 1946 ed
Magruder, F A *National Governments and International Relations.* 1944 ed Allyn and Bacon.
Magruder and Claire *The Constitution* 1933
Munro, W B *The Government of the United States* 1946 ed
Ogg, F , and Ray *Introduction to American Government* 1945
Pfiffner, J M. *Municipal Administration* 1940
Southworth *Common Sense of the Constitution* Allyn and Bacon 60 cents
Zink, H *Government and Politics in the United States* 1946

The High School Library should contain such periodicals as the following

- Annals of the American Academy of Political and Social Science* — Bi-Monthly
Congressional Digest — Monthly
Book of the States — Annual
New York Times — Daily with index, or *Christian Science Monitor*
American Political Science Review — Bi-Monthly
U. S Government Manual — One or more editions a year
Treats all agencies of the Government \$1 Government Printing Office
Foreign Policy Reports — Foreign Policy Association
State Government — Monthly
**The National Municipal Review* — Monthly
The United States News — Weekly

The High School Library should contain such documents as .

The Constitution of the United States of America (annotated)
\$2 Government Printing Office 1938.

United States Code, containing the general and permanent laws of the United States in force January 3, 1941. Supplement to January 3, 1946 It is reprinted by the Government Printing Office whenever Congress provides the money

The Congressional Directory, which contains a short biography of each congressman, a list of congressional committees, maps of States showing congressional districts, a list of the administrative departments and bureaus and the duties of the officers thereof. — Published twice a year. A free copy can usually be obtained through your congressman

House Manual, which contains the rules of the House of Representatives and the United States Constitution annotated — U S Document

The Manual, Legislative Handbook, or *Blue Book* of your State. This document contains the State Constitution, list of State and local officers, election returns, and various other interesting information. — It can usually be obtained free through the Secretary of State.

The Statistical Abstract of the United States. — Issued annually by the Department of Commerce.

The World Almanac. — Published by the *New York World*. An annual encyclopedia for 85 cents (paper)

The Yearbook of Agriculture, which contains voluminous detailed information concerning the activities of the Department of Agriculture

Weekly List of U. S Government Printing Office Publications
Free

High School students should be encouraged to become acquainted with the following documents at the Public Library

in case they are found to be too expensive for purchase by the school.

Annual reports of the administrative departments of the U. S Government

Biennial Index of State Laws — Issued by the Legislative Reference Service of the Library of Congress

Public Affairs Information Service.

Reader's Guide to Periodical Literature.

State Code and Session Laws or Legislative Acts.

The American Year Book

The New York Times — An index to this daily is published.

The Statesman's Year-Book — Current facts pertaining to all the governments of the world

United States Census

For a list of Government Documents see Appendix II

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AMERICAN GOVERNMENT

Without Government

With Government

Direct Protection

No adequate protection of life	Police Laws
No adequate protection of family	Courts
No adequate protection of property	Army and Navy
No adequate protection of country	

Sanitation and Health

Polluted water	Pure water systems
Filth and waste everywhere	Sewer systems
Tubercular milk	Inspected milk
Disease unchecked	Health services and regulation
Home treatment for diseases	Public hospitals
Impure foods	Pure food and
Dangerous drugs	Drug laws

Education

Private schools for the few	Free education
Unrestricted child labor	Compulsory education
Private libraries	Public libraries

Roads and Conservation

Private mud roads	Highways; rail and air control
Wasted minerals	Mining regulations
Forests burned or destroyed	Reforestation and fire patrols
Pollution of fishing streams	Fish and game regulation
Soil erosion unchecked	Soil conservation

Protection for Business and Labor

Dishonest and unfair practices	Regulation of corporations
Insecure banks	Inspection and deposit insurance
Long hours at low wages	Minimum wages and hours
Dangerous working conditions	Safety and sanitary regulations

Relief

Charity or starvation for unemployed	Public work, security, pensions
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Liberty

Oppression by strong and shrewd	Civil rights protected by law
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Civilization

Would perish	Needs honesty and efficiency
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AMERICAN GOVERNMENT

CHAPTER I

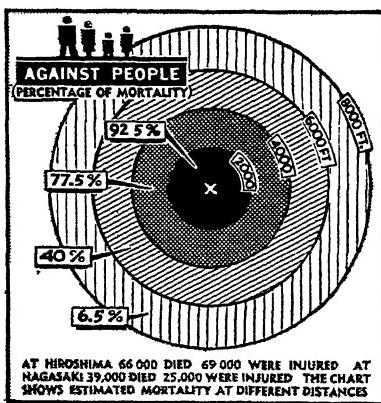
WINNING THE PEACE

AMERICA'S GOAL PEACE WITH JUSTICE, SECURITY, AND ABUNDANCE

The Atomic Bomb. — Our Government has the greatest power secret in the world; and with it we ended the most destructive war of all times. Fortunately the atomic bomb was produced by a liberty-loving democracy, and not by a war-making nation-snatching dictatorship. With this bomb we could destroy many millions of people and enslave entire countries, but we have no intention of misusing it. We shall use it to help police the world — to conserve peace and liberty.

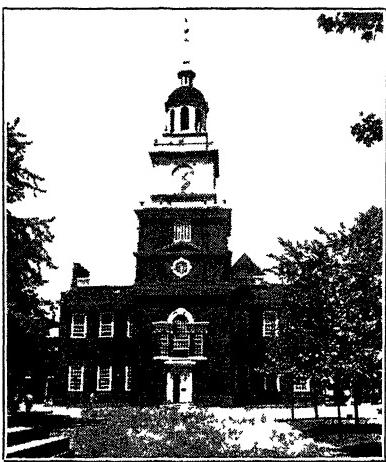
It cost our Government two billion dollars to develop this bomb, and we could afford this because the taxpayers of forty-eight states contributed to it. We could finance it because we had pooled our resources in one strong Union.

Federal Union Is America's Contribution to Nation Building. — In ancient times nations expanded by conquest and



105,000 KILLED BY TWO BOMBS

slaughter; but later they learned that muscles were valuable for labor, and they enslaved the conquered people instead of slaughtering them. Still later they allowed the vanquished to remain free, but required them to pay heavy taxes called tribute.



H Armstrong Roberts

INDEPENDENCE HALL

The Romans took an advanced step by extending citizenship to conquered peoples, which gave the conquered peoples legal privileges enjoyed by citizens born in Rome.

When the British absorbed Wales and Scotland they went still further and allowed the Welsh and the Scotch to elect representatives to the British Parliament, thus establishing the principle of representative government.

The makers of the United States Constitution took another advanced step in nation-building. They showed how thirteen independent states could form a Federal Union by giving powers of common interest to the Union and giving matters of local concern to the States.

To FORM A MORE PERFECT UNION

In Union There Is Strength. — In these days of victory, thoughtful students of government realize more keenly than ever before, that Federal Union is America's contribution to nation-building. Here, on this continent, our forefathers created the United States,

"to form a more perfect Union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity"

Thus the makers of the Constitution of the United States of America showed mankind that independent states could, through peaceful agreement, form a Federal Union in which powers of general concern were vested in the Union, while authority in local matters was retained by the States.

Our struggle as a nation for closer union and common justice has not been easy. Occasionally political strife and sometimes physical violence have marked our progress toward domestic tranquillity. Yet these growing pains, however severe, have not kept us from moving ahead toward a standard of living unequaled by any other nation. Ours is indeed the "Land of Opportunity."

The Union Has Given Us a Land of Abundance.

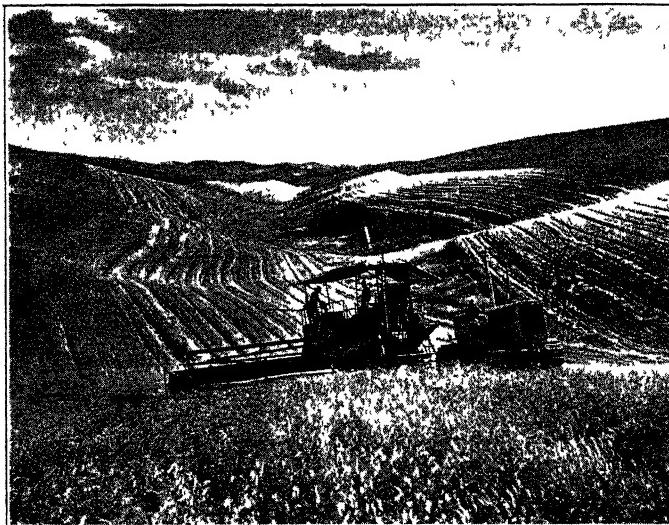
— We have a climate that varies from semi-tropical to arctic, and produces everything from tropical oranges to arctic furs. We have iron, coal, oil, and timber in abundance. Because we have 140,000,000 people to use the products of our factories we have developed mass production. With a tractor and a one-person combine one man or woman can now produce as much wheat as a hundred men when primitive methods were used. Now we can build houses for the average family with comforts and conveniences that all the wealth of Britain and a whole retinue of servants could not have produced for Queen Victoria not so very many years ago.



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"FREEDOM FROM WANT"

This painting by Norman Rockwell is reproduced by special permission of the *Saturday Evening Post*



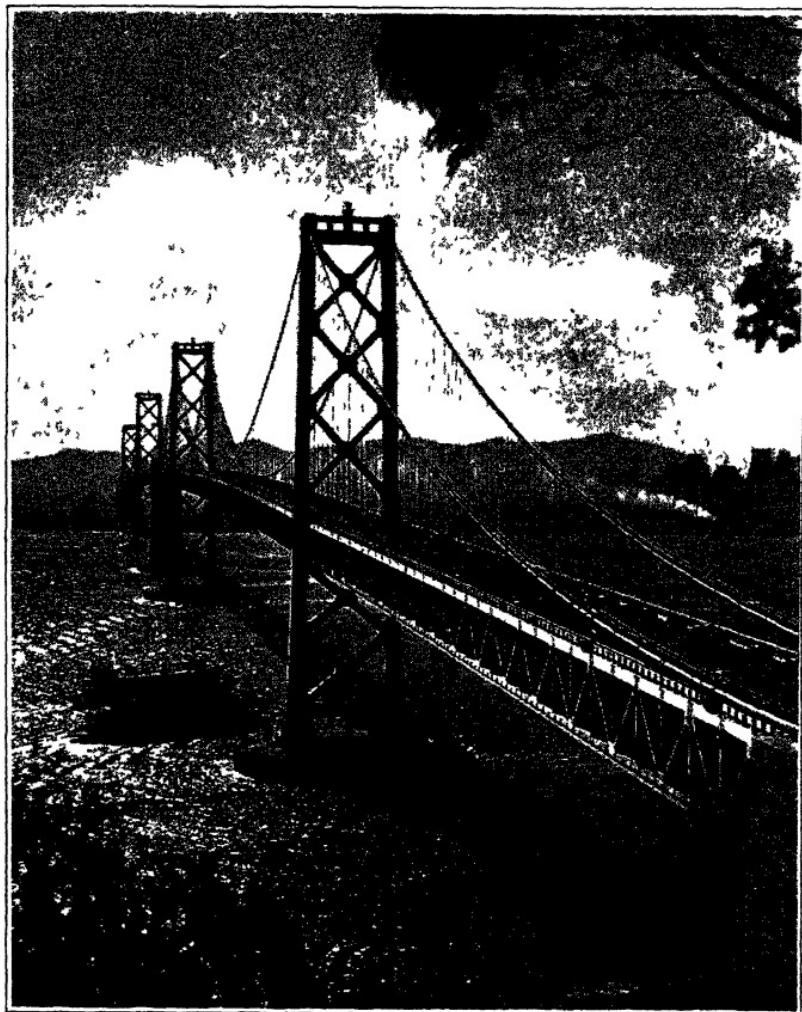
Courtesy Caterpillar Tractor Company

A CATERPILLAR COMBINE

This machine will cover forty acres in ten hours



AMONG THE CALIFORNIA REDWOODS



© Gabriel Moulin

MANY KINDS OF TRANSPORTATION

This San Francisco Bay Bridge carries various kinds of traffic over the shipping of the bay. The lower level is used by trains.

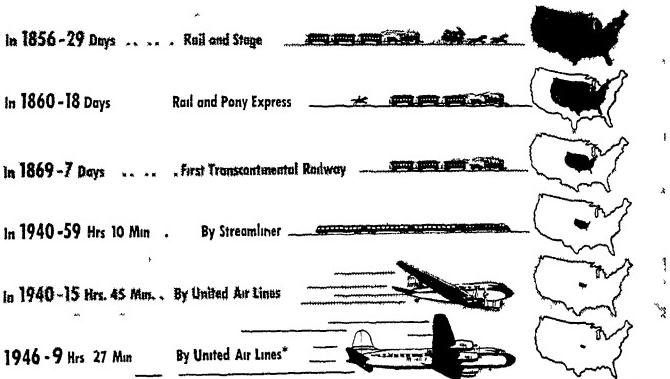
A Closer Union Through Transportation and Communication.

— The formation of a Federal Union created a tool with which to build a stronger Nation. This tool, the Constitution, has made possible the cooperation of our present forty-eight States in the common interest. Because we were united we were able

to build our railroads over almost uninhabited plains to connect the West with the more populous East. We joined our highways into a network from the Atlantic to the Pacific and from Canada to Mexico. And in cooperation with our northern neighbor, we built during World War II a highway through Canada to Alaska. We have also connected all parts of the country with airways.

Improved Coast-to-Coast Transportation

MAKES THE U S SMALLER AND SMALLER



Courtesy United Air Lines

HOW THE AIRPLANE HAS REDUCED THE SIZE OF OUR COUNTRY

A similar shrinking of the whole world makes it impossible for Americans to live in isolation. To-day no part of the world is more than sixty hours by plane from any other part.

Telegraph and telephone lines were built so that we might talk from New York to New Orleans or from Washington to Walla Walla with the same ease that we call the neighborhood grocer.

As a result of nationwide radio hook-ups every American now has a ring-side seat at the important events of the world. By radio we all learned within a few minutes that Pearl Harbor had been attacked. Our military leaders could give us direct reports from the battlefronts. Much of the success

of our bond drives and the maintenance of civilian and military morale we owe to our nationwide radio programs. To-day our national leaders can talk directly to the 140,000,000 people of the Union

To ESTABLISH JUSTICE

Federal Courts Provided. — Under the Articles of Confederation we had only State courts and no Federal courts to decide disputes between States or between citizens of different States. The Constitution provided for a Supreme Court and also authorized Congress to establish other Federal courts as needed.

The **Bill of Rights** was added to the Constitution in 1791 to guarantee the people against some of the injustices that they had suffered under George III of England. For instance, it made the man's house his castle which cannot be entered until there is sufficient evidence of crime to cause a judge to issue a search warrant. Likewise a man cannot be haled into a Federal court and forced to stand trial until a grand jury composed of his fellow citizens decides that there is enough evidence against him to justify a trial.

At times the Government finds it desirable to take over certain property for its own use, such as the right of way for a street or highway. Under the Bill of Rights this cannot be done without paying a fair price for the property.

Our Idea of Justice Becoming More Humane. — We inherited from England many common-law rules which were developed by their courts; but in recent years we have replaced some of these rules by more humane statutes. For instance, under the old law, when an employee was injured and sued an employer for damages, the employee had to prove that the employer had been negligent. To oppose this claim the employer could use any of the following defenses: contributory negligence on the part of the employee, negligence on the part of a fellow worker, or assumption of risk.

To illustrate, a young woman, whose hair was disheveled because of the heat, had her scalp torn off by a laundry mangle,

but she could not obtain damages because the employer showed that she had contributed to the accident. A workman injured in a quarry by a runaway car could not obtain damages because



FACTORY NURSE GIVING FIRST AID TO INJURED EMPLOYEES

a drunken fellow workman had released the car. And a woodsman could not obtain damages for injuries caused by a falling tree because he had assumed the risk of this dangerous occupation.

State after State has abolished the three old common-law defenses, and to-day in most States the injured in designated industries are paid damages even though they have been careless. This compensation is paid from workmen's compensation insurance funds maintained by taxing employers and employees. It is now considered more just to place the cost of all injuries upon the industry rather than upon the individual.

In the past workmen were used or left idle just like machines without any pay for the periods of idleness. These temporary factory shut-downs might last for weeks or even months, leaving

the head of a family without income to meet his grocery bills and rent. To-day unemployment compensation relieves this hardship. An unemployment compensation fund is raised by taxing employers a percentage of the payroll. When employees are laid off they receive a small weekly check from the fund for a limited number of weeks to help them meet their current expenses.

To INSURE DOMESTIC TRANQUILLITY

The Government Guarantees Order. — If rebellion or riots occur in any State, the President can use his power as Commander-in-Chief of the Army and Navy and send troops to quell the disturbance. When the trouble is purely local the President will furnish protection if asked to do so by the Legislature or the Governor. Riots and disturbances are most likely to occur during hard times in which there is widespread unemployment. Unemployment is always a menace to tranquillity.

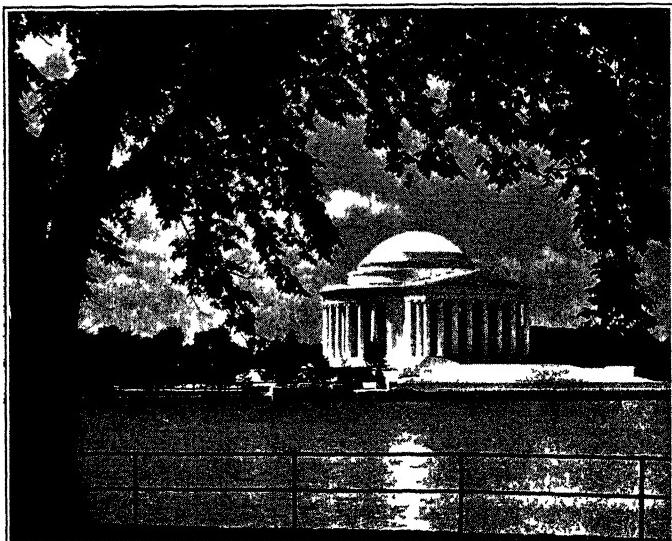
To PROVIDE FOR THE COMMON DEFENSE

“Millions for Defense but Not One Cent for Tribute.” — The Moors, driven out of Spain in the fifteenth century, settled in North Africa and began a career of piracy that made them for three centuries the terror of Mediterranean seamen. They attacked passing ships, using fast sailing vessels or galleys rowed by slaves, seized the cargo, held the prominent passengers for ransom, and enslaved the less important and the crew. Some slaves were assigned to cruel labor in galleys, others were forced to quarry stone from the mountains and carry it to the shore, while the prettiest women were generally sent to Constantinople.

When we became independent of England we lost the protection of the British navy, and our vessels sailing through the Mediterranean became a special prey of these pirates who divided the spoils with their despotic Moorish rulers. These rulers would guarantee immunity to the ships of nations that paid them large sums in tribute. A part of this tribute was in

armed vessels, ammunition, and naval stores, so that the civilized powers furnished the means for plundering themselves. In ten years after gaining independence the United States paid almost \$2,000,000 in ransom and tribute and furnished them several ships.

When the Pasha of Tripoli, discontented with his annual tribute, repudiated his treaty with the United States, Jefferson



© Harris & Ewing

THE JEFFERSON MEMORIAL AT WASHINGTON

This beautiful building on the Tidal Basin at Washington was erected in honor of the author of the Declaration of Independence, the founder of the University of Virginia, the promoter of the Louisiana Purchase, and one of the greatest of our Presidents, — Thomas Jefferson.

dispatched a naval squadron to deal with him. The popular slogan of the time was, "Millions for defense but not one cent for tribute." After more than a decade of intermittent fighting with the Barbary pirates and their rulers, Stephen Decatur, with a strong naval fleet, sailed into the harbors of the Barbary

States and forced them to sign the treaty of 1815 by which all money payment was abolished, and all captives and property were restored. From this time on, our citizens, our property, and our Flag have been respected by other nations.

Billions to Defeat Imperialism. — *First World War* — For more than a century the military leaders of Germany have had dreams of world domination Kaiser Wilhelm, who ruled Germany at the time of the First World War, was ambitious to spread his power through the Balkans from Berlin to Baghdad ; and he seized upon a flimsy excuse to start his war of conquest. The British, French, and Russians resisted him When the United States attempted to trade with the Allied Nations, German submarines sank our ships in violation of international law, at times setting our seamen adrift in open lifeboats When the *Lusitania* on its way to England with over a hundred American passengers was sunk, much feeling was aroused, and finally in 1917 we entered the war "to make the world safe for democracy "

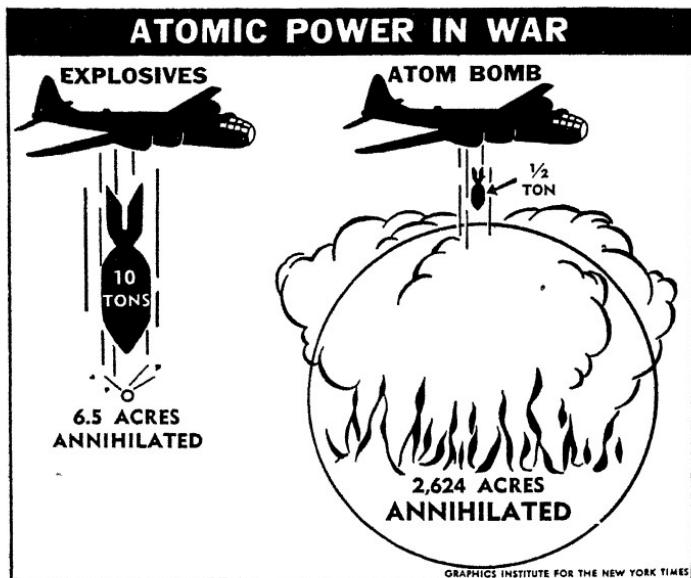
Second World War — For similar reasons, we were drawn into the Second World War Germany under Hitler, Italy under Mussolini, and the militarists of Japan had set out to conquer the world The United States helped to stop the dictators by lend-lease aid to the Allies, and after being attacked by Japan at Pearl Harbor, devoted all its energies to winning the war.



Official U S Navy Photo

THESE GRUMMAN AVENGERS WRECKED VENGEANCE AGAINST THE JAPANESE PEOPLE

Defense Lines of the Future. — Pilotless aircraft carrying atomic bombs make our boundaries antiquated defense lines. Now we need to fortify the defense bases in the Pacific acquired from Japan and those in the Atlantic leased for ninety-nine years.



from Great Britain. Furthermore, we need the cooperation of Great Britain and Canada as the first line of defense against a possible aggressive Europe, and we need to help enforce the Monroe Doctrine in Latin America to prevent possible European imperialists from gaining a foothold in America.

Do We Need Peacetime Compulsory Military Training for Defense? — A ruffian will not attack a gentleman if the gentleman is armed, and universal training might help to keep America armed. Without conscription we might not be able to get enough volunteers of ability for defense. Conscription gives us reserves against any sudden attack by another Hitler, and the mixture of all classes in camp promotes democracy.

Is There a Better Approach to Defense? — We could train our youth in high schools, colleges, and summer camps without interfering with their education, moral standards of home and church, and other good neighborhood influences. A reserve could be built up from these, and from our National Guard. Our National Guard would draw more volunteers if supplied with airplanes, tanks, and water craft, and if trained by expert regular Army and Navy officers.

If we have another world war, it will probably be won by physicists, chemists, engineers, and other experts — quality rather than quantity.

Better Physical Training Is Needed from Childhood to Middle Age. — Millions of Americans were rejected from service in the Second World War because they were physically unfit. The Government should support all feasible means of providing better nutrition for children. It should enlarge public health services. Schools should provide systematic exercises from the sixth year. Periodical medical and dental examinations should be free, and more adequate medical care and hospitalization should be made available for all.

Industrial Preparation Is Needed for Defense. — The war against Japan was shortened by the perfection of the atomic bomb — a laboratory product of the Allied scientists. Its development cost a total of \$2 billions, but this is merely the amount that the war cost the United States each week. We need extensive research to keep our military mechanisms a jump ahead of those of other countries if they will not cooperate with us in developing a world organization to insure peace. For instance, at the end of the war we were producing armor for our infantrymen though we needed it most when the war began.

During the war the United States furnished most of the oil to the Allied Nations and exhausted many of its best wells. Should we now buy oil from abroad in exchange for surplus American products, and reserve it in exhausted wells? The Government is now building up war-reserve stockpiles of minerals, etc.

Practice the Good Neighbor Policy towards All Nations.—The only nation now strong enough to challenge us alone is Russia, and Russia needs peace to develop her resources, and would like to be pals with Uncle Sam. But just as a supposition, what should we do should Russia pool her great unused natural resources with the teeming millions of the Orient, or tie up with the German industrialists and well-trained mechanics and scientists?

If for some reason our interests, or ideologies, or prejudices should conflict, would we be safe even if armed to the teeth? It is cheaper and safer to be friends of all nations. Let's keep our powder dry, but be a good neighbor.

Promote Peace by Cooperation with the United Nations.—We have peace in cities because we have laws and police to enforce them. We have peace in our States because we have State laws and State police and militia to enforce them. We have peace in the United States because we have Federal laws and an army to enforce them.

When we have definite international laws and an army to enforce them we should have international peace. For instance, when atomic bombs are made only by a world government and used only by a world army who could resist? The United Nations formed by the Allies is a step in that direction (See Chapter XL.)

Wars between nations take place when nations have unrestricted power. Wars cease when power is voluntarily federated in a larger state. When we have a world federation voluntarily formed we shall not have international wars.

For each of the great nations to attempt to have a military force large enough to protect it from all possible combinations of nations is as unrealistic as for every householder to employ his own police force to guard his house, instead of cooperating in a system of city police.

Increasing Destructiveness of Wars.—International law gives countries jurisdiction over surrounding seas three miles

out because when the law originated that was the distance a cannon could fire In this war Germany introduced rocket bombs with a range of two hundred miles, and scientists tell us that this distance can be extended to several thousand miles They also tell us that in time the rocket will be loaded with atomic bombs fired from underground factories and capable of destroying a moderate sized city and its population thousands of miles away

The Increasing Cost of Wars. — It is said that in primitive wars it cost 50 cents to kill an enemy , now it costs \$50,000 It cost \$2,000,000,000 to develop the atomic bomb The First World War cost us about \$25,000,000,000 but this second one cost the United States \$300,000,000,000. Interest on the Second World War debt costs the United States more than \$5,000,000,000 annually — nearly twice the cost of public education And for a century we and our children will be paying war debts

Government Provision for War Veterans. — In justice to the war veterans who were required to give several years of the most productive period of life to defend their country while others worked on war jobs at high wages, the Government provides the following aids

Muster-Out Pay is granted to all men and women below the rank of Captain in the Army or corresponding rank in the Navy The maximum of \$300 is granted to those who have served outside the United States, provided they have been in active service sixty days The amount is \$200 for those who have had sixty days' service but have not served outside the United States , and is \$100 for those who have been in active service less than sixty days

Terminal-Leave Pay also is given to veterans for unused furlough time. Payments range from a few dollars to more than \$900, or an average of about \$170 Commissioned officers, and enlisted men entitled to less than \$50, are paid in cash Others are paid in bonds to the nearest multiple of \$25, and cash for the rest The bonds are payable in five years, and bear $2\frac{1}{2}\%$ inter-

est They cannot be sold, but can be used as payment on Government life insurance policies

Job Placement — The Selective Service Act provides that veterans must be re-employed by their former employers, and the U S Employment Service helps them find new jobs The Federal Civil Service gives five points higher Civil Service rating to all veterans, and ten points to disabled veterans, or wives if husbands cannot qualify, or to widows of veterans

Unemployment Compensation at the rate of \$20 a week is provided for veterans unable to find suitable employment for a maximum of fifty-two weeks which need not be consecutive The number of weeks is based on the length of service

Free Hospitalization is provided for veterans of all foreign wars for life upon their statement of inability to defray expenses.

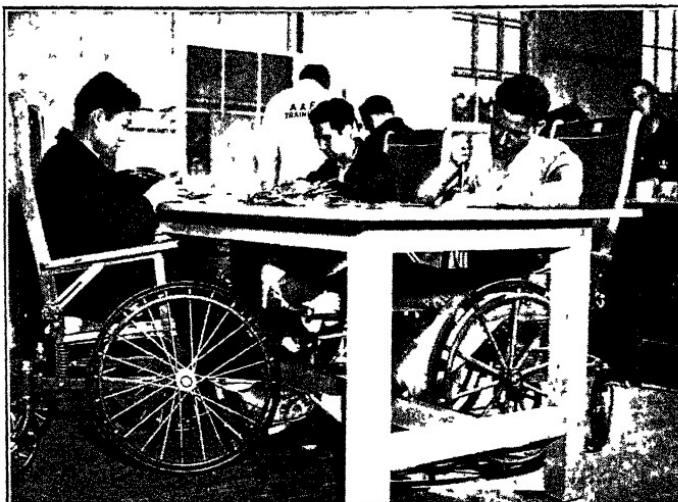
Rehabilitation — Veterans with service-connected disability interfering with employment receive vocational training at Federal expense (or Federal-State expense if non-service) Automobiles are given to veterans who have lost one or both legs and cannot walk normally

Educational Aid to any veteran who has served for 90 days is available for one year at any approved educational institution whose entrance requirements the veteran can meet. Any veteran who was not over 25 years old when he entered the service or whose education was interfered with is entitled to additional education equal to the number of months in active service The maximum allowed is four calendar years

The Government will pay the schools the tuition, all fees, and for books and other necessary supplies up to \$500 a year, not including room and board In addition to this the veteran receives \$65 a month for living expenses, or \$90 if he has a wife or some other dependent He may work on the side if he does satisfactory school work and maintains good conduct

On-Job Training with Government Pay — Instead of going to school a veteran, while learning a trade, may receive wages plus Government pay of \$65 a month (\$90 if he has a dependent).

Loans. — If a veteran can find a bank, individual, government, or other agency to lend him up to \$4000 for a home, a farm, or for establishing a business, the Government will insure one half of the loan. But he must show ability, experience, and a reasonable likelihood of success. Interest must not exceed four per cent per annum and the loan must be paid within twenty years.



REHABILITATION

The three wounded veterans in the foreground are of Hawaiian, Italian, and Spanish descent

Pensions. — A disabled veteran receives a monthly pension as long as his disability lasts, varying from \$10 35 to \$360.

Government Expenditures for Families of Deceased Veterans. — Our Government has not overlooked the needs of families of men and women who have given their lives for their country.

Immediate Aid at Time of Death. — A lump sum payment of six months' base pay is made immediately by the Army or Navy to the next of kin. For instance, the widow of a private receives \$450, and the widow of a colonel \$2200.

Pensions. — Widows of veterans who have died in service, or from service-connected disabilities, receive \$50 a month for life, or until they remarry. Rank has nothing to do with these dependency pensions. The wife and children of a private fare as well as the family of a major general. Neither is there any question as to need. A widow who has an income of \$10,000 a year is just as eligible as a widow left otherwise penniless.

Children receive additional pensions until they reach eighteen years of age, or twenty-one if they attend a recognized school.

Parents must prove that they were financially dependent upon the deceased service man or woman before they can become eligible for pensions. A lifetime pension of \$45 a month is provided for one parent, or \$50 a month equally divided for two parents.

Life Insurance. — In addition to being eligible for a pension, one may also receive payments from Government insurance. Anyone in military service may carry Government insurance up to \$10,000. Beneficiaries may be wife, children, parents, brothers, or sisters, as designated by the service man.

This insurance is payable only on an annuity basis on those killed at war. If the beneficiary was under thirty at the date of the insured's death, he or she receives \$55 10 a month for twenty years on a \$10,000 policy, which practically all service men took out at the time of induction. If the beneficiary was thirty or over, the payment is \$39 70 or more per month for life depending upon the age of the beneficiary at the time of death of the insured. The insurance continues whether or not the beneficiary remarries. After the war this economic insurance could be continued and converted into various types.

To PROMOTE THE GENERAL WELFARE¹

Welfare of the People from the Cradle to the Grave. — Child Welfare — The United States has increasingly curbed the selfish,

¹ The Preamble to the Constitution merely expresses the purposes of our Government and does not in itself give powers to Congress. But under

and provided for the welfare of the many. By abolishing slavery we guaranteed the right of every American child to be born free. The Government has established the Children's Bureau to look after the welfare of every child born in America. It provides expectant mothers with information on prenatal care and the care and feeding of infants and small children. To help parents provide better care for their children, the Federal Government allows an income tax exemption of \$500 for each child. Free education is provided for all youth.

Employment Services for the Working Years — In the past it was often necessary for a person seeking a job to pound the pavements day after day before he could find work. Now the United States Employment Service in every city tells the person where to



CHILD WELFARE

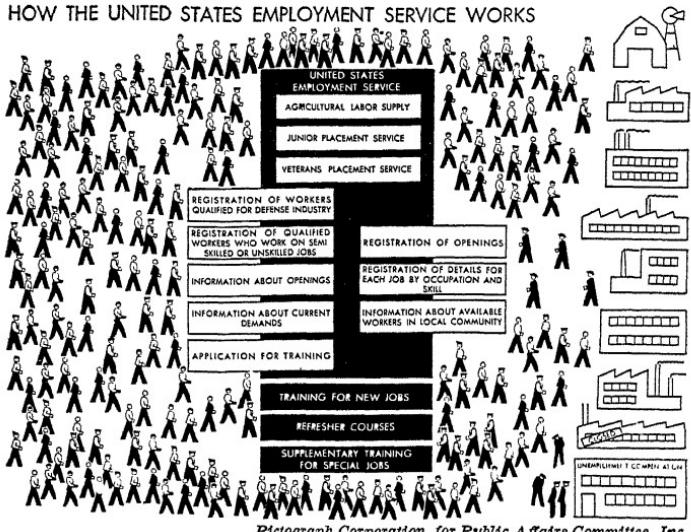
These Junior High School girls are looking after children as part of their training

Article I, Section 8, of the Constitution, Congress is given power to tax, and to provide for the general welfare. Until recently this *general welfare* clause was considered a restriction on Congress. Congress could not levy taxes except for the *general welfare* of the people all over the United States. (See page 120.) Even this taxing clause of the Constitution was not considered to give Congress power to legislate for the general welfare, but under its power to regulate commerce and to establish post offices and roads over which the mails pass ("post roads"), Congress has been able to do almost anything it wanted to do for the general welfare. And to-day, with the liberal interpretation of our laws by the Supreme Court, instead of the taxing clause restricting Congress, it is being used as the power of Congress to provide for the general welfare.

apply for a job for which he is qualified. Or it will direct him to specialized training to fit him for a good job where work is available.

Workmen's Compensation is provided for workers injured in industry. Unemployment Compensation relieves the hardship resulting from temporary unemployment. Employees, through

HOW THE UNITED STATES EMPLOYMENT SERVICE WORKS



Pictograph Corporation, for Public Affairs Committee, Inc

OUR EFFORTS TO DO AWAY WITH UNEMPLOYMENT

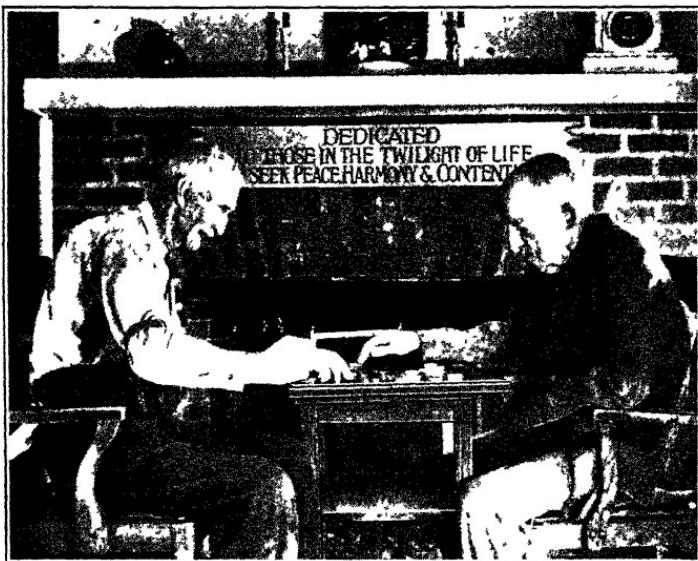
organized labor unions, are protected against unfair treatment by employers under our National labor relations laws

Social Security for the Aged — It was estimated that out of one hundred men healthy at the age of twenty-six, one was rich at the age of sixty-five, four were fairly prosperous, five supported themselves, thirty-six were dead, and fifty-four were dependent upon relatives, friends, or charity.

To meet this situation, in 1935 the Federal Government began aiding the states in old-age relief. It now matches State or local funds. That is, if the State or local government gives any

amount up to \$20 a month to a needy person, the Government will give a like amount, plus a \$5 bonus. (See p. 338.)

To help individuals build up a fund for old age the Federal Government established what is now known as the Old Age and Survivors Insurance system. Workers covered by this insurance have a percentage of their earnings deducted from

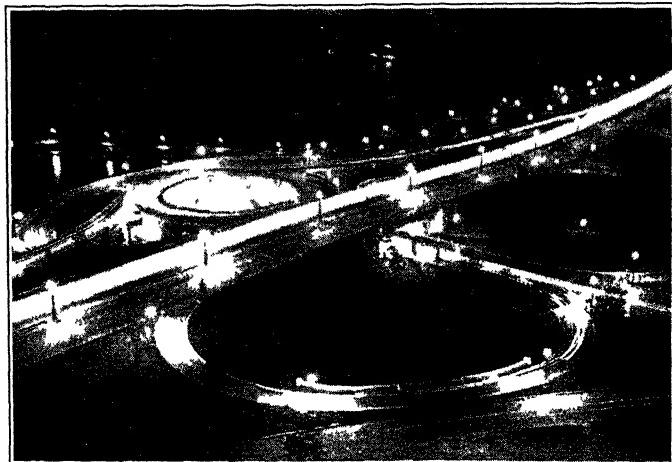
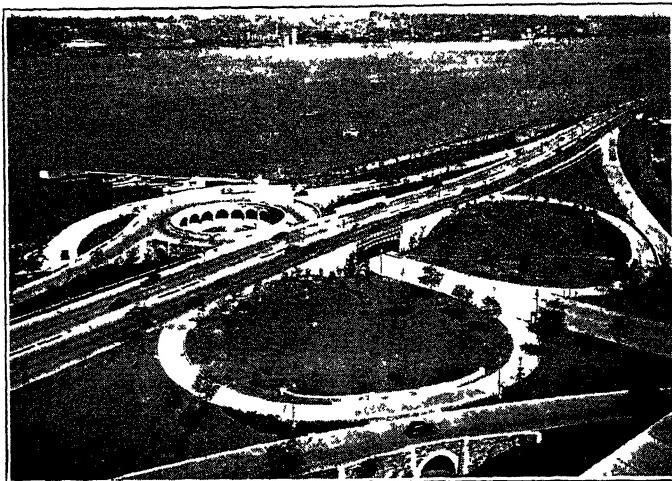


OLD-AGE SECURITY

This is a scene from the Colony for the Aged at Millville, New Jersey

their pay checks. The employer contributes a like amount. When an employee reaches 65, if he retires, he is entitled to a monthly insurance payment varying from \$10 to \$85 a month, depending upon the monthly salary on which he made payments. (See pages 334-337.)

Full Employment Essential to General Welfare. — Unemployment has been called Public Enemy No 1. It robbed the American people of \$200,000,000,000 worth of goods and services not produced during the depression decade of the



Courtesy Public Roads Administration
THE HENRY HUDSON PARKWAY CLOVERLEAF AT 79TH STREET, NEW YORK CITY

One of the best ways the Government can stimulate employment is by building safe, up-to-date roads like this.

thirties. (See page 685) Without production the people were just as poor as though they had produced the goods and had had them destroyed by war

The Vicious Circle — It is dangerous to allow any great number of workers to become unemployed, because they have to stop buying. Then factories producing what they would have bought must close, and this further increases the number unable to buy, so still more factories must close; and so the downward vicious circle gets larger and larger until it enters a depression with millions unemployed.

The Government Should Stimulate Employment. — To prevent the start of a vicious circle the Government could aid private industry. For instance, the Government can take risks that an individual or a private corporation cannot afford to take because

the Government can distribute any loss among the whole population through taxation. The Reconstruction Finance Corporation can lend money to new businesses too large or too risky for a bank loan. The Government, through the Federal Housing Administration, can induce banks to lend money to home builders at low rates of interest by insuring the bank against loss. The Government can build great power projects and carry power lines into rural communities. This makes business for concrete plants, for copper mines, for manufacturers of dynamos, and after the power is available, the house-

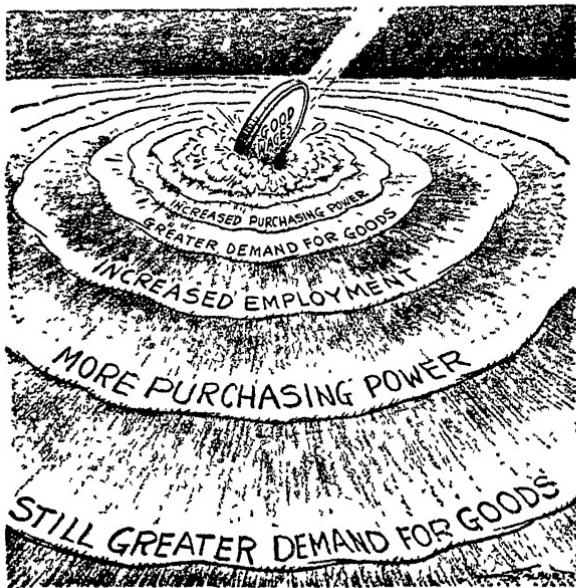


Courtesy St. Louis Post Dispatch

"It will do the work of 100 men" "But we need a machine that will buy as much as 100 men"

holders buy all sorts of electrical equipment, thus making work for factories, railroads, and stores

Ending Poverty in the Midst of Plenty. — The United States has great natural resources, skilled workers, and powerful machines. Yet, during the 1930's so many were unemployed and their children were so undernourished that millions of our young



Courtesy Washington Daily News

THE EFFECT OF HIGHER WAGES

men were not fit for military service when the war came. America knows how to produce, as we have shown through our almost unbelievable war production. Now our challenging problem is how to increase the purchasing power of our millions of people so that they may buy enough to keep our factories running at full capacity in peace time.

Maximum Production, Not Scarcity. — Abundance will not come if employers restrict production to raise prices, or if

employees cut production through strikes or slow down to prolong work This danger is illustrated by the farmer who is accustomed to selling two chickens and with the proceeds buying two shirts He decides to raise only half as many chickens and finds that he can get as much money for one chicken as he formerly got for two, and he is very happy But when he goes to buy shirts he finds that the shirt makers have likewise produced only half as many shirts to double the price of shirts. So the farmer goes home with only one shirt instead of two, and the shirtmaker goes home with one chicken instead of two.

Coöperation of Capital and Labor. — To have abundance we need to get rid of price-fixing monopolies and strikes This should be done through wise leadership of employers and of workers, but if these leaders cannot adjust their differences it becomes the concern of the Government

To SECURE THE BLESSINGS OF LIBERTY TO OURSELVES AND OUR POSTERITY

What Is Liberty? — Liberty is a thing of the spirit — to be free to worship, to think, to hold opinions, and to speak without fear — free to challenge wrong and oppression with surety of justice. Liberty conceives that the mind and spirit of men can be free only if the individual is free to choose his own calling, to develop his talents, to win and keep a home sacred from intrusion, to rear children in ordered security. It holds he must be free to earn, to spend, to save, to accumulate property that may give protection in old age and to loved ones

Our Task. — Because America has been the melting pot of the nations, our national thought represents the hopes and aspirations of liberty-loving people everywhere These people to-day are our close neighbors because the arts of communication and travel have made them so We cannot, if we would, exclude them from the steps we take "to secure the blessings of liberty to ourselves and our posterity" So we have fought "for the things which we have always carried nearest our hearts — for

democracy, for the right of those who submit to authority to have a voice in their own governments, for the rights and liberties of small nations, for a universal dominion of right by such a concert of free peoples as shall bring peace and safety to all nations and make the world itself at last free" Thus Woodrow Wilson phrased the goal which only the good citizenship of every American can safeguard So you, your teachers, and all of us who have America's welfare at heart must study to know our government that we may protect and improve its service to democracy and to the welfare of the world

QUESTIONS ON THE TEXT

- 1 What was America's contribution to nation building?
- 2 What are the purposes of our Government as stated in the Preamble to our Constitution?
- 3 How have transportation and communication strengthened the Federal Government?
- 4 How is our idea of justice becoming more humane?
- 5 How did the quotation, "Millions for defense but not one cent for tribute" originate?
- 6 How will cooperation in an international organization "provide for the common defense"?
- 7 Explain how we can provide defense in the following ways. Extension of defense lines? Through peacetime conscription or other methods of training? Physical training? Industrial preparation? Good neighbor policy? United Nations?
- 8 What benefits did the Federal Government provide for war veterans in mustering out pay? Job placement? Rehabilitation? Unemployment compensation? Educational Aid? Loans? Pensions?
- 9 What did the Government provide for the families of deceased veterans at time of death? Pensions? Life insurance?
- 10 Explain the vicious circle that produces unemployment and depressions
- 11 How can the Government stimulate employment?

PROBLEMS FOR DISCUSSION

- 1 A century and a half ago a young English economist named Malthus figured that the population was increasing more rapidly than

the food supply, and that an overcrowded world would soon be stricken with famine unless large numbers of the people died from plagues or were killed off by wars. What has science done to prevent starvation from overpopulation? How has the formation of a strong Union helped to prevent it in the United States? How can science and a world organization prevent it on a world-wide scale?

2 Was the Second World War more destructive than the First? What new inventions made it so? In what ways could another war be even more destructive than this war?

3 The Second World War has cost the world about \$1,000,000,-000,000. If this had been borne equally by each of the two billion people in the world, how much would each man, woman, and child have paid? How much would each family have paid? What peace-time comforts could this have provided?

4 Why has unemployment been called "America's Public Enemy No. 1"? Do you believe that private industry alone can prevent it? If it cannot, would you favor public employment for the unemployed? In this case what projects would you suggest? What public services might be added? What are some of the arguments against too much public employment?

5 Why would Democracy be a failure if it were not for the Christian principles of *honor, humane justice, and the brotherhood of man*?

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CHAPTER II

DEVELOPMENT OF THE STATE

Introduction. — In living organisms there is a continual tendency for the simple to develop into the complex, and so it has been with organized society — the state. In the beginning very few functions were performed by the state, but new discoveries and inventions created new social and economic conditions which could be solved only through the united action of society; so



© American Museum of Natural History
OUR ANCESTORS AND HOW THEY LIVED

the state has developed to its present position along with these various social and economic changes.

At some time in the history of the world the ancestors of every race of people lived in a rude, uncivilized manner. The want of food and of other material comforts brought suffering; superstition brought fear; and lack of wisdom brought misunderstanding, quarreling, fighting, war. From this rude condition some peoples have advanced through many stages of social and economic development in the upward trend of the human

race. The most highly developed nations have gradually advanced through the following stages: hunting and fishing, pastoral, agricultural, commercial, manufacturing, and capitalistic. Each social or economic stage demanded a more extensive organization; and in turn, each extension of political organization made possible the advance to a more complex social or economic stage.



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PRIMITIVE MAN HUNTS THE WILD BOAR

Hunting and Fishing Stage. — During the hunting and fishing stage of each race the mode of living was but little above that of beasts. Men lived from hand to mouth in the struggle for existence. Ownership in land was unknown, but each savage horde had temporary hunting grounds beyond which their members went at their peril. They had little need and less capacity for political organization.

Pastoral Stage. — When an ingenious horde saved alive the young of wild animals and domesticated them, an epoch-making step was taken. By a little foresight and self-denial food was

on hand for times of scarcity. The abundance of flesh foods gradually banished cannibalism, especially when it was perceived that a muscle of a captive was worth more for labor than for food. Permanent food supplies and slaves gave leisure and opportunity for meditation. Wandering hordes became family



PRIMITIVE AGRICULTURE

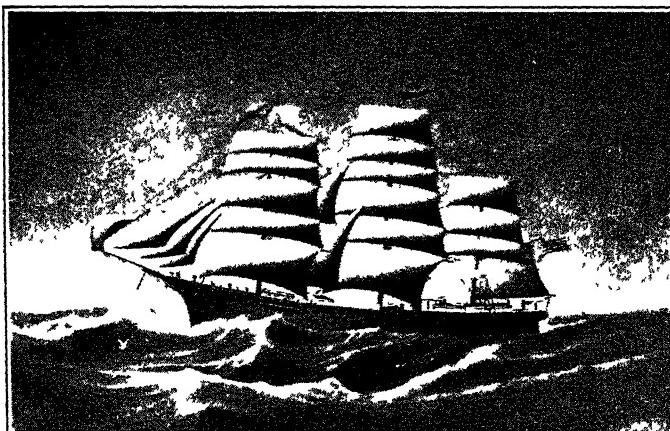
Ewing Galloway

tribes bound together by the common possession of flocks and herds. These possessions aroused the envy of neighboring bands, and organization for defense became necessary. The patriarch of a family became leader of this organization and developed absolute authority to the extent of life and death over his wives, sons, daughters, sons' wives and children, and slaves. In reality he was an absolute ruler over a "family state."

Agricultural Stage. — The possession of flocks made the habitation of man sufficiently permanent to make possible the planting of seeds with the thought of ultimately reaping the harvest. Slavery became more profitable, the possession of land became necessary, and ownership desirable. As family tribes gradually sent out clans to establish new village communities, common

blood, common religion, and common economic interests held them together in loose confederations for social and commercial intercourse and for self-defense. In short, the necessary elements of a modern state existed. law and authority, permanence of organization, and a consciousness of political unity.

Commercial Stage. — Wealth in flocks, herds, and agriculture multiplied man's needs. Commerce met the demand. Yoked

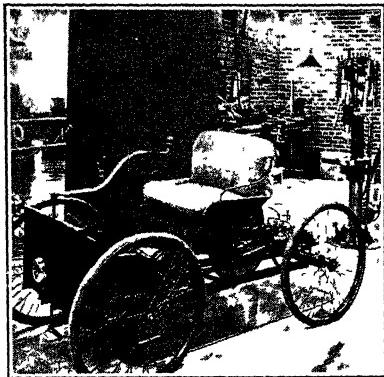


BEFORE THE DAYS OF STEAM

beasts of burden, sailboats, and forms of money as a medium of exchange gave the merchant a place in civilization. Cities developed at convenient locations on trade routes. Cooperation against pirates and robbers and regulation of city populations made city states necessary.

Manufacturing Stage. — The establishment of cities and commercial routes encouraged manufacturing, and in turn manufacturing gave a further contribution to commerce. During the manufacturing stage, hand implements slowly gave way to machines. For example, the hand spindle of prehistoric times was replaced by the spinning wheel in 1530, and late in the eighteenth century steam power was applied to the manufacture

of cloth This process brought people from scattered farms into growing towns and cities. City life brought experience and education to the people, and enabled them to wrest their rights from absolute monarchs or privileged nobles.



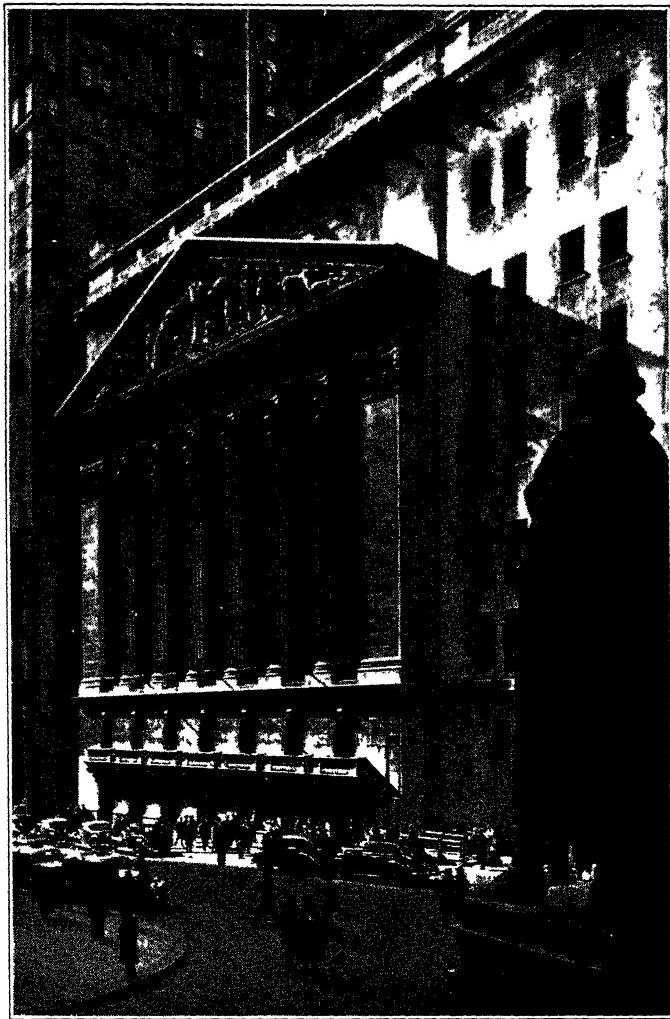
THE FIRST FORD

ital, which modern banking provided Nationwide and even worldwide monopolies developed which could control prices and wages of the workmen As a protection against this danger, Congress enacted anti-trust laws and set up regulatory commissions to enforce these laws

Increased Power of Labor. — Compulsory education advanced industrial workers to a position where they saw the advantages of organization, and they were able to achieve it As unionism expanded it was able to pay higher salaries to its leaders, comparable to those paid by capital The votes of labor elected officials friendly to labor, and Congress enacted laws to the advantage of organized labor. Today unions have a bargaining power equal to or even greater than that of capitalists

Equalizing Opportunity. — The first duty of the State was the protection of life and movable property; then the regulation of land was added, and now commerce and manufacturing are regulated by law. If the price of any commodity is unduly advanced by a combination of capitalists seeking

Capitalistic Stage. — One inevitable outcome of the conditions mentioned above was the concentration of capital, especially in large cities. Advanced nations have developed expensive factory machines which make large-scale production profitable. The maintenance of such factories requires large cap-



Courtesy New York Stock Exchange

THE NEW YORK STOCK EXCHANGE

unreasonable profits or a group of laborers demanding unfair wages, the people are disposed to use their power; the state, to prevent it. In other words, government recognizes as one of its duties co-operation with all the people to look out for the best interests of all

The Government acts not only in this negative way to prevent injustices; but in a most positive way it provides for the education of children, the employment of the middle aged, and the social security of the aged

Some have urged a further development of the cooperative stage in the form of government ownership of large businesses, which would be conducted by the National government in the same manner that it now conducts the postal and parcel-post business; or as many European states conduct express, telegraph, and railroad businesses. Many American leaders now advocate government production and distribution of electric power. But the danger of developing the cooperative stage too far is that it tends towards inefficient bureaucracy and stifles the initiative of the individual.

Economic Theories of Government. — Men differ widely in their ideas about government. These ideas may be classified roughly under the following heads:

Anarchy Means No Ruler — No Government — Anarchists would abolish governments and would merely have voluntary cooperation of individuals and groups. The idea seems out-of-date in this complex age of great cities.

Individualism Means Very Little Restriction of the Individual by Government — Individualism means the distribution of income according to willingness to work, ability to bargain, or fortune to inherit. Individualists would restrict government to the maintenance of peace and order and the protection of private property. To them, private ownership is the alchemy which builds homes, plants trees, and makes two blades of grass grow where one grew. They argue that private-profit incentive results in abundance; that we lead the world in developing

inexpensive automobiles because of our competitive system. Individualists believe that competition in industry, as in athletics, stimulates improvement; that the manager's restless pillow advances the practical arts more than laws; and that



A GI HOME BUILT WITH A GOVERNMENT GUARANTEED LOAN

government bureaucracy does not stimulate genius. They would not tax the thrifty to pay old-age pensions and other bounties to the unworthy as well as the worthy.

Socialism Means the Use of Government to Bring About Equality of Opportunity among Citizens — Socialists would attain this equality by government ownership and operation of large industries, especially the public utilities, and by distributing income among the employees according to the work they do. They favor a higher rate on income and inheritance taxes for the rich than for others as a further means of providing equality of opportunity. Also they would provide public work for the unemployed and social security for the old.

These principles have much to commend them, but when a democracy owns and operates industries there is likely to be more

inefficiency than when individuals compete with each other in business. Also when the many learn to tax the few for the benefit of themselves there is danger of their consuming the nation's wealth

For instance, giving unemployed workers so much a week in compensation is desirable, but if the weekly payments are so high that there is no urge for job seeking it means taxing the Nation's resources to keep men in idleness To quote a Greek proverb, "There is always danger that a democracy will eat itself up"

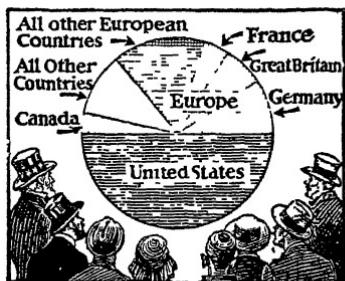
Communism Means the Holding of Property in Common through the Government

— Communism means the distribution of income to each according to his need. Under the Russian experiment there was never enough to distribute because of lack of incentive and inefficiency — because the lazy were paid as much as the industrious Communism failed

The Russian Government is now experimenting with Socialism. It owns most property and operates most industries Instead of paying much the same wages to all as it did under Communism it now pays each according to what he does

As a simple example of the kind of difficulty that arises under Communism, a group of Russians formed a commune by pooling all of their limited income and living together Some smoked and some did not. The non-smokers were reluctant to deny themselves necessities to supply a luxury to the smokers

Capitalism Means Private Ownership and Investment of Wealth for Profit — It means the right to invest savings in a farm, invest in a business, buy stocks in a corporation, or save in an insurance company which invests for the insured Most Americans prefer this freedom of action to the Russian



DISTRIBUTION OF THE WORLD'S
TELEPHONES

system where the Government owns the capital and operates all basic industries. Capitalism gives economic freedom and incentive to do one's best, but it does not give as regular employment as a socialistic system of government.

Unregulated capitalism results in monopolies, to prevent which our Federal Government and the States have passed anti-trust laws. The capitalistic system may result in too much profit for the few. The Government combats this by a higher rate income tax for people with excessive incomes. The capitalistic system may also result in enough accumulated money to permit the heirs of rich parents to live without work. To prevent this the Government imposes a high death tax on estates above a specified amount.

Yet taxes must not be too high, and labor unions must not demand unreasonably high wages. If taxes and wage demands take practically all profits, there is no capital left to enlarge old industries or to start new ones. Then there is less work, therefore less wages to purchase the products of farm and factory, and a depression comes.

The United States is called a capitalistic country, but it does not have pure capitalism. It has capitalism subject to increasing governmental control as our manner of living becomes more complex. The country is capitalistic with strong socialistic, and even communistic, trends. The postal system, power projects, and progressive taxes are bits of socialism; and public free education and old age assistance are examples of communism—"to each according to his need."

How a State Exercises Its Powers.¹ — A *state* is an organized body of people living within a limited territory and having power to make and enforce laws without the consent of any higher

¹ Throughout this volume the word *state* printed with a small "s" denotes an independent state belonging to the family of nations, as England, France, the United States, the word *State* printed with a capital "S" refers to one of the members of the United States of America, as Maine, Pennsylvania, Virginia

authority.¹ A *government* is the agency through which a state's purposes are formulated and executed. If the agents who run the machinery of government are under the absolute control of one person, an *absolute monarchy* is said to exist, but if the monarch is restricted in his powers, the government is known as a *limited monarchy*. If the people select their own agents to run the government without a monarch, a *republic* exists.²

Terms Defined. — A *Limited Monarchy* is a representative government with a monarch limited by constitutional restrictions, like that of Great Britain or Sweden.

A *Republic* is a representative government without a monarch, like that of the United States of America.

A *Centralized Government* is one whose authority extends throughout a consolidated state with power to make all laws, like that of Great Britain.

A *Federal System of Government* is one with powers divided between the central government and the governments of the states or provinces composing it, like that of the United States, Switzerland, or Canada.

A *Constitutional Government* is one in which the rights of the people are protected against the tyranny of a monarch, the arbitrary rule of a few, or the oppression of the majority. The protection may be through a written constitution, like that of the United States, or through an unwritten constitution, like that of Great Britain, where there is a traditional respect for the fundamental rights of others.

A *Dictatorial Government* is one dominated by one leader. The dictator may be voted power, may seize it by force, may gain it through leadership of the only political party permitted; or may rise to power by a combination of these methods.

American Executive Type of Government. — The governments of the United States and Latin America are of the execu-

¹ A state is the sum total of all its citizens—men, women, and children.

² If any state were small enough for the people to assemble and make their laws directly, a *purely democratic government* would exist.

cive type The chief executive, called president, is chosen independently of the legislative branch and holds office to the end of the term for which he is elected, whether the congress approves his policy or not, in marked contrast to the European or parliamentary type, where it is the custom for the executive officers to resign when they no longer have a working majority in parliament

European Parliamentary Type of Government. — In the 19th century most European countries adopted the parliamentary type of government developed in England through many centuries Under this form of government the chief executives (prime minister and cabinet) are subordinate to the legislative branch and must resign when their leadership ceases to retain the confidence of parliament.

Parliamentary Government in Great Britain includes the king, parliament, ministry, cabinet, and prime minister

The Kingship is hereditary, and nominally has retained such ancient powers as dissolving Parliament, declaring war, making treaties, and granting pardons; but practically the King exercises none of these powers until advised to do so by the Prime Minister. The King is to inspire the nation while the Prime Minister leads

The King performs a wide variety of social and ceremonial functions. The British do not want a witty king They rejoice in seeing a family man in Buckingham Palace When an Englishman comes home, puts on his slippers, and listens to the radio, he likes to fancy that the King is doing the same The King is nominal head of the Church of England with the title Defender of the Faith; and George VI and his family go to religious services every Sunday. The King and Queen stand as the example of the highest ideal of British life throughout the Empire. The fear that Mrs. Wallis Simpson would not be acceptable to the dominions as Queen helped to bring about the abdication of King Edward VII

King George VI and Queen Elizabeth have endeared themselves to the British people by many inspiring acts Even before George VI came to the throne he visited 800 British factories to learn how the people lived and worked; and this resulted in the Factory Act of 1937 which improved working conditions He helped to break down class barriers by organizing boys' camps to bring together the sons of the wealthy and of the working class.

Night after night during the air blitz over London, the King and Queen, to encourage the people, visited the areas worst hit. And in reply to a rumor that the two Princesses were being sent to Canada for safety, the Queen said, "The Princesses will leave the country when I leave, and I shall leave when the children's father leaves, and their father will not leave this country under any circumstances"

Politics, business, and sport constitute the three major interests of the English nation in times of peace. In the United States ordinarily less than one half the voters go to the polls. In England more than 75 per cent vote in general elections. The leading political parties are Conservative and Labour.

The Parliament "can do anything but make a man a woman or a woman a man." If it enacted a law condemning all red-headed persons, for instance, the courts would be legally obliged to enforce the law. However, there is a strong feeling in Great Britain that none of the old fundamental laws should be changed without the election of a new Parliament while the proposed change is under consideration. This really gives the voters a chance to pass on important matters.

The Parliament is composed of a House of Commons and a House of Lords. The House of Commons consists of members, including many women, elected by manhood and womanhood suffrage for a term of five years, or less if the House is dissolved. The House of Lords consists of peers appointed by the King upon the advice of the Prime Minister, and is hereditary (with minor exceptions) through their eldest heirs. Women may inherit the honorary title but may not become members.

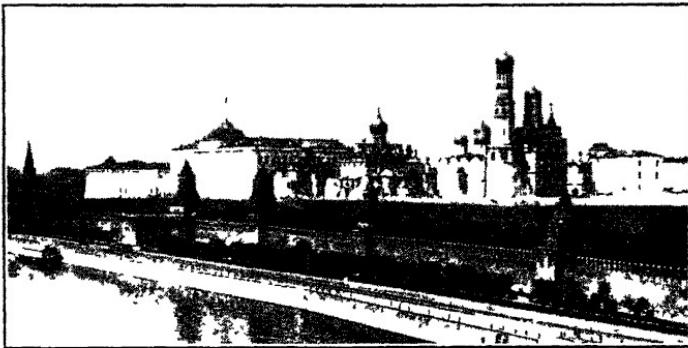
The Ministry and Cabinet The Ministry consists of the heads of about fifty departments appointed from the two houses by the King upon the advice of the Prime Minister. Of these about a score are invited by the Prime Minister to become his advisors, and are called the Cabinet. The Cabinet really governs. It is often referred to as "The Government."

The Prime Minister is leader of the party which dominates the House of Commons and is invited by the King to name other ministers and conduct the government. The policies of the government are determined and the most important bills are prepared by the Cabinet. If the House of Commons rejects one of these bills, the Ministry either resigns or the Prime Minister directs the King to dissolve Parliament and call a new election. The fate of the measure is then determined by the new House. If the bill is again rejected, the Ministry usually resigns.

The House of Lords does not block bills nor does the King veto them. The House of Lords cannot reject a finance bill, but may delay it thirty

days Other public bills rejected by the House of Lords become law without their consent if repassed by the House of Commons at each of the two succeeding sessions

The king has not dared to veto a bill for two hundred years. On one occasion Prime Minister Gladstone presented a bill to Queen Victoria in a manner which she resented She said, "I am the Queen of England" Gladstone replied, "I am the People of England." England, or Great Britain, is a monarchy in name; a republic in fact



Ewing Galloway

THE KREMLIN ON THE MOSCOW RIVER

This 90-acre plot is surrounded by a red granite wall twelve feet thick

Totalitarian Theory of Government. — The government of Russia believes that the state should be supreme in all matters. that the average individual cannot know what is good for him and must be guided by those who have studied and know what is best for the state and the individual. The individual reads what the government decrees, hears what it wants him to hear, and works and plays as it prescribes He is at the government's beck and call; and if he incurs the government's displeasure he may be put in a concentration camp or killed

Socialism in Russia is a living example of totalitarianism

Under the constitution of 1936 the government is a federation It is the Union of 16 Soviet Socialist Republics (U S S R) of which the Russian Soviet Federated Socialist Republic (Russia proper) has about nine tenths of the area, and two thirds of the population. The powers are divided between the Union and the member republics somewhat as

those of our Union are divided between the United States and the States. Suffrage is granted to men and women 18 years of age and over. The voters directly or indirectly elect the two houses composing the Supreme Council. This body legislates, and also chooses the Presidium, consisting of a chairman and 36 members, which carries on the government.

There are also Ministers comparable to our Cabinet members.

The Communist Party, with Dictator Joseph Stalin at its head, dominates all branches of government. It consists of less than 5 per cent of the population, and no other party is allowed. Members are carefully chosen, they must pay dues and be very active; and they are purged from the Party if they fail to measure up to the standards and enthusiasm expected of them. But they are rewarded with all important governmental posts.

Socialism, which has replaced Communism, means government ownership of land and ownership and operation of all large industries. While all land and most city dwellings are owned


 ON A RUSSIAN COLLECTIVE FARM
 Women farmers are reading the field newspaper, which is compiled and printed in a lorry in the field.

by the government, farmers, who usually live in villages, practically own their houses and are allowed several acres to farm for themselves.

Collective Farms dominate the agriculture of practically all communities. The members of each Collective have a sort of town meeting to determine policies and to elect the manager, and with a committee the manager divides the workers into brigades such as a brigade to raise cereals, a cattle brigade, or a vegetable or fruit brigade. The workers are directed by the manager and the foremen of brigades, and they are paid according to the amount of work accomplished — on the piece-work principle. If one person does twice the average work in one day he receives credit for two days' pay. The cash payments for work are received after the crops are sold, and from the profits each is paid according to the work he has done. The Collective owns the

equipment or rents it from a nearby "tractor station" operated by the government.

Government Monopolies are organized as public corporations, somewhat like our Reconstruction Finance Corporation or the Tennessee Valley Authority. There are more than a hundred such monopolies. For instance, only the government manufactures shoes, and they are sold only through local government stores. The government regulates wages and prices and endeavors to make each industry self-sustaining.

Various methods are used to spur labor to greater efforts, such as payment on the piece-work basis, bonuses to workers who produce more than the average, contests between factories, and various decorations and the title of "Hero of Labor."

To prevent absences and shifting from job to job, a worker is dismissed for a day's absence without good reason. This absence is recorded in a permanent work book which he must show to get another job. Being late three times in a month brings dismissal. Vacations are given only to workers employed eleven consecutive months; and the amount of social insurance depends upon the length of employment.

If the director of a factory exceeds his assigned quota he may retain fifty per cent of the surplus profits for such things as improvements in the plant, cultural activities, or better housing for the employees.

Profiteering is not allowed. Each family on a Collective farm may have a couple of acres of land around the house for a cow, a few sheep, a hog, some chickens, some vegetables, and fruit. Any surplus may be sold by the farmer; but he must do it himself, or through a neighbor, because buying and selling as a middleman is a criminal offense. When a woman purchased a pair of shoes for the equivalent of \$40 and sold them to another person for \$50 she was given two years in prison for profiteering.

The government is financed largely through a sales tax. The volume of production, the price of goods, and the tax rate are controlled by the government. And because there are no wealthy persons in Russia to pay high bracket income taxes, or inheritance taxes, government revenue is drawn largely from the common people. This is done through sales taxes included in the price of the commodity. While luxuries like cigarettes, liquors, and playing cards are taxed high, the revenue from them is relatively small because the government discourages their use. The bulk of revenue has to come from taxing necessities such as a 70 per cent tax on breads and meats, and an 85 per cent tax on sugar.

Swing from the Radical to the Conventional — The Revolution of 1917 was fourfold: governmental, economic, religious, and moral.

Absolute monarchy was replaced by a system of Soviets (Councils) dominated by a dictator, but to-day the trend is decidedly democratic. Capitalism was replaced by Communism, but this system failed and was again replaced by a Socialism which allows some private ownership and increasing incentives for individual effort. The Greek Orthodox Church which had been supported by the government of the Czars was replaced by atheism, but opposition to religion is gradually dying out and church attendance is on the increase. Morals struck an all-time low during the Revolution, marriage was easy, and anyone could get a divorce at once. They believed in trial marriages. To-day divorces are more expensive and not so easy to get; and an excessive number of trial marriages is made criminal. A conventional, stable family life is now encouraged.

QUESTIONS ON THE TEXT

- 1 Most highly developed nations have gone through what stages of social and economic development?
- 2 Describe the stages and explain how each developed into the other.
- 3 How have economic development and political development (government) depended upon each other?
- 4 What possible abuses of the capitalistic stage lead to another stage of economic development?
- 5 Are you an anarchist, individualist, socialist, communist, or capitalist? Why?
- 6 What is a *state*? What is a *government*? Distinguish clearly between a state and a government.
- 7 Distinguish between *state* and *State* as used in this text.
- 8 Does the United States have an executive or parliamentary type of government? Is it a republic or a monarchy? Is it of the centralized or federal type? Is it constitutional or dictatorial?
- 9 Describe parliamentary government as it is in Great Britain.
10. What is the totalitarian theory of government?
- 11 Under socialism in Russia what is the form of government? The Communist Party? A Collective farm? Government monopolies? How is the government financed? Do you think Russia is still communistic?

PROBLEMS FOR DISCUSSION

- 1 The first function of the State was to protect life and property; now it provides conveniences and comforts. In the future do you think

it should further encourage our sense of the esthetic or beautiful? Do you think it should prohibit billboards on a person's vacant lot if they mar the beauty of the town or landscape?

2 Do you think your town should own its water system? Electric power system? Gas system? Bus system?

3 There was no great need of laws governing copyrights until long after the printing press began its work. The invention of the steam engine created a need for what character of laws? The automobile? The moving pictures? The wireless? The airplane?

4 What do you like about the totalitarian states? What do you dislike? Do you favor prohibition of strikes which totalitarian states always do? Do you favor paying college students according to the grades they make, as Russia has done?

5 The government of Great Britain is known as a parliamentary government, or a responsible government, because the executive branch is responsible to the legislative branch. Many governments outside of America have followed this parliamentary system. Our American system is known as a presidential or executive government because the executive branch is independent of or coördinate with the legislative branch. Latin-American governments have followed this executive system. Do you agree with Professor Burgess in his following defense of the American type of government? He says: "I think that we are upon the right line, and that those nations which have developed parliamentary government are beginning to feel, as suffrage has become more extended, the necessity of greater executive independence. Parliamentary government, *i.e.*, government in which the other departments are subject to legislative control, becomes intensely radical under universal suffrage, and will remain so until the character of the masses becomes so perfect as to make the form of government very nearly a matter of indifference. There is no doubt that we sometimes feel embarrassment from a conflict of opinion between the independent executive and the legislature, but this embarrassment must generally result in the adoption of the more conservative course, which is far less dangerous than the course of radical experimentation. . . The feature *par excellence* of the American governmental system is the constitutional, independent, unpolitical judiciary and the supremacy of the judiciary over the other departments in all cases where private rights are concerned."

6. Does the executive or the parliamentary type of government best lend itself to the demagogue — the politician who insincerely appeals to the prejudices or the ignorance of the uneducated masses? Which type best lends itself to the reactionary — the conservative who wants

things just as they are and blocks progress? Which best protects the existing liberties of the individual?

7 Why have the people of various countries permitted dictators to hold the reins of government?

8 Under present conditions it takes about \$2,000,000,000 to provide a year's work for 1,000,000 people. Do you think the Government should regularly tax those who have work in order to provide work for those who want work?

9 If the Government should provide public work for the unemployed, what kind of taxes would you favor to obtain the necessary funds? Would you raise the money from additional taxes on property? From a general sales tax — that is, a percentage on every sale? Would you prefer an increase in the income tax, inheritance tax, luxury taxes, and specific sales taxes sufficient to raise the necessary amount?

10 If a depression should threaten, would you favor slum-clearance projects, forest and soil conservation, flood-control projects, nation-wide non-stop boulevards, a real hospital in every populous county, and a real library for every high school?

11 To-day we are rapidly depleting our oil and easily accessible coal. Would you favor having our Government spend \$10,000,000,000 on great power plants to sell electricity cheap enough to use as a substitute for oil and coal?

12 If the Government should develop all of the water power, should it buy privately owned power plants? Should it pay for them what they cost or what they are worth now?

13 Should the Government relieve unemployment by entering upon one big project after another and interfere with private business as little as possible, become entirely socialistic, or keep out of business altogether?

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CHAPTER III

ORIGIN OF THE FEDERAL CONSTITUTION

Colonial Government. — In the year 1607 the first permanent English settlement in America was made at Jamestown, Virginia, by colonists whom a commercial corporation, known as The London Company, sent out from England. The Company placed a council with a president over the colonists until 1609, when a governor replaced the president. In 1619 the Company permitted the addition of a general assembly composed of burgesses¹ elected by the inhabitants of each settlement.

This assembly, the first representative legislature that ever sat in America, met on the 30th day of July, 1619, in the chancel of the church at Jamestown. In 1624 The London Company surrendered its charter, and henceforth Virginia was known as a Royal Colony until it declared itself independent of England in the year 1776. The other twelve colonies were established in various ways and from time to time enjoyed different rights or degrees of self-government. According to the mode of government the colonies were divided into three classes Royal, Proprietary, and Charter.

The Royal Colonies — At the time of the Revolution, 1776, there were seven Royal colonies: New Hampshire, New York, New Jersey, Virginia, North Carolina, South Carolina, and Georgia. For each of these colonies a governor and a council,

¹ The term "burgesses" was used because it was expected that the settlements would develop into boroughs (towns). After 1634 the "burgesses" represented counties, and in 1776 the name was changed to "assemblymen." Virginia called its colonial representatives "House of Burgesses", South Carolina, "House of Commons", Massachusetts, "House of Representatives".

"upper house," were appointed by the King, and a popular assembly, "lower house," was elected by the people. The governor in conjunction with his council and assembly ruled the colony in conformity with written instructions issued from time to time by the Crown. There was no written charter between



WILLIAM PENN RECEIVING THE CHARTER OF PENNSYLVANIA
FROM CHARLES II

the colony and the King; nevertheless various concessions that the Crown made to the people and the customary mode of government formed a traditional charter or constitution.

The Proprietary Colonies. — In 1776 there were three Proprietary colonies Pennsylvania, Delaware, and Maryland. These colonies got their name, "Proprietary," from the term *proprietor*, which was applied to a "petty king" to whom the King of England had granted the land. For each of these colonies a governor and a council were appointed by the proprietor and a popular assembly was elected by the people. Hence we may think of a Proprietary colony as very similar to a Royal colony, the only material difference being that the proprietor, or "petty king," was obliged to concede more rights and privi-

leges to the people than the King would grant. As in the case of the Royal colonies, the concessions and precedents of government formed a traditionary charter or constitution.

The Charter Colonies — In 1776 there were three Charter colonies: Massachusetts, Rhode Island, and Connecticut. Unlike the other two classes of colonies, a real charter existed between each of these colonies and the King. This charter was a written document outlining certain rights of self-government which could be withdrawn by the King at any time he saw fit to do so. In each of these colonies, except Massachusetts, the governor was elected by the people, in two the council was elected by the assembly, and in each the assembly was elected by the people. The charters of Connecticut and Rhode Island were so liberal that by substituting the word "people" for "King" these colonial charters served as State constitutions until 1818 and 1842 respectively.

Legislative Powers. — In all of the colonies, except Pennsylvania where the council had no legislative power, there were two branches of the legislature, and in all except Rhode Island the governor had power to veto legislation. Legislation was enacted on purely colonial affairs. In matters of general interest to the whole British Kingdom the British Parliament or the King exercised control. It was often a disputed question whether a particular affair was purely colonial or a matter of general interest to the whole Kingdom, and the question, whether or not a stamp tax to support a standing army in America was a tax which the British Parliament had a right to impose upon the colonies, was decided only by the Revolutionary War.

Continental Congresses. — In 1774 the Virginia House of Burgesses issued an invitation to all of these colonial assemblies, calling a meeting of delegates at Philadelphia to consider what could be done to meet their common grievances. This Congress, in which all the colonies except Georgia were represented, is known as the First Continental Congress. It adopted a decla-



THE UNITED STATES IN 1783—STATE CLAIMS AND CESSIONS

97522

ration of rights and grievances to be presented to the King, and adjourned.

In 1775, after the battle of Lexington, the Second Continental Congress met at Philadelphia, with representatives from all thirteen colonies. Schouler, the historian, describes this Congress (including the Confederate Congress) as follows :

"The Continental Congress . . . with its periodical sessions and frequent changes of membership bore for fifteen years the symbols of Federal power in America, which, as a single house of deputies acting by colonies or States, and blending with legislative authority imperfect executive and judicial functions, raised armies, laid taxes, contracted a common debt, negotiated foreign treaties, made war and peace; which, in the name and with the assured warrant of the thirteen colonies, declared their independence of Great Britain, and by God's blessing accomplished it; which, having framed and promulgated a plan of general confederation, persuaded these same thirteen republics to adopt it."

The Articles of Confederation. — The authority for the acts of the Second Continental Congress rested upon no definite grant of powers by the colonies, but was assumed by it to meet the crisis of war. However, a plan of perpetual league and a statement of the powers which the Continental Congress might exercise was framed and proclaimed by the Second Continental Congress in 1777.

This scheme of union was set forth in a paper termed "The Articles of Confederation." These articles did not go into effect until 1781 because it was necessary for them to be ratified by all the States of the Confederation before they could become the law of the land, and it was not until that year that the ratification of Maryland was secured.

These articles provided that each State should be represented in this Confederate (Continental) Congress by not less than two or more than seven members, to be elected annually and to be subject to recall by the legislatures of the respective States; but each State should have only one vote, regardless of the number of representatives. This body had power to declare war,

enter into certain treaties and alliances with foreign nations, borrow money, coin money, establish post offices, regulate the affairs of all Indians not members of the States, together with a few less important duties

The expenses of this government were to be paid by taxes raised through the respective State legislatures, the amount to be paid by each State being in proportion to the value of all real property within its boundaries The compensation of the delegates was paid directly by the State which they represented

The distinctive features, which also proved to be the greatest defects, of the Articles of Confederation were

(1) One vote for each State, to which the larger States objected because they wanted representation in proportion to population.

(2) Want of power by the central government to act directly on individuals. The articles bestowed upon Congress no direct power to raise revenue other than to borrow money The States retained this power and they frequently refused to collect the amount of taxes demanded of them by Congress

(3) Want of means for enforcing obedience to the Acts of Congress They provided neither for an executive, except committees, nor for permanent courts A single State could disregard any law, or treaty, which fact was soon recognized by foreign countries, and clearly expressed by Washington, who said "We are one nation to-day and thirteen to-morrow Who will treat with us on such terms?"

(4) Want of power by the central government to regulate commerce with foreign countries and between the several States.

(5) Unanimous consent of the thirteen States for amendment of the Articles of Confederation The consent of nine of the States was required for all important ordinary laws. To obtain these unusual majorities was difficult and retarded legislation.

The Critical Period. — The independence of the thirteen States was recognized in 1783, but a large national debt remained

unpaid, upon which the interest was not met, because only about one fourth of the revenue which Congress asked of the States was collected. Under these circumstances even the existence of Congress was threatened. For example, some eighty drunken soldiers of the Pennsylvania line mutinied from want of pay and forced Congress to flee from Philadelphia to Princeton, where the college afforded it shelter.

In 1785 Congress made a final attempt to raise the necessary revenue by endeavoring to add an amendment to the Articles of Confederation levying a tax on imports. New York reaped the benefit of a State tax on imports and refused to agree to this amendment, so the measure failed. To save expense some States failed to send delegates to this Congress, and unfortunately many of those who attended were not the leading statesmen who were present during the period of the war. The condition was so bad that the French minister was prompted to write to his country thus: "There is now no general government in America, no head, no Congress, no administrative department."

In colonial days there had been little communication between the colonies, and as soon as peace was restored the States began to fall apart, and to manifest their sectional hatred by commercial discrimination.

The following quotation from Fiske well illustrates the existing conditions:

"The city of New York with a population of 30,000 souls had long been supplied with firewood from Connecticut, and with butter and cheese, chickens and garden vegetables from the thrifty farms of New Jersey. This trade, it was observed, carried thousands of dollars out of the city and into the pockets of the detested Yankees and despised Jerseymen. 'It was ruinous to domestic industry,' said the men of New York. 'It must be stopped by . . . a navigation act and a protective tariff.' Acts were accordingly passed, obliging every Yankee sloop which came down through Hell Gate and every Jersey market boat which was rowed across from Paulus Hook to Cortlandt Street to pay entrance fees and obtain clearances at the custom house, just as was done by ships from London and Hamburg; and not a cart-load of Connecticut firewood could be delivered at the back door of a country house in Beck-

man Street until it should have paid a heavy duty Great and just was the wrath of the farmers and lumbermen. The New Jersey legislature made up its mind to retaliate The city of New York had lately bought a small patch of ground on Sandy Hook, and had built a light-house there This light-house was the one weak spot in the heel of Achilles where a hostile arrow could strike, and New Jersey gave vent to her indignation by laying a tax of \$1800 a year on it. Connecticut was equally prompt At a great meeting of business men, held at New London, it was unanimously agreed to suspend all commercial intercourse with New York Every merchant signed an agreement, under a penalty of \$250 for the first offence, not to send any goods whatever into the hated State for twelve months ”¹

The tariff system of Virginia imposed higher duties upon imports than those imposed by the system of Maryland, and naturally all articles which could be distributed from Maryland as well as from Virginia were brought to Maryland instead of to Virginia. Virginia retaliated by imposing a toll upon vessels entering Chesapeake Bay between the Virginia capes Maryland disputed the right of Virginia to impose these tolls To settle this dispute, as well as to reach an agreement upon other rules governing the Chesapeake Bay and Potomac River, commissioners from Maryland and Virginia met at Alexandria, but upon the invitation of Washington moved to Mount Vernon

Through discussion the commercial difficulties were found to extend beyond the two States, and the commissioners recommended that Delaware and Pennsylvania be invited to meet with them the following year, 1786 Maryland did better; she invited *all* the States to meet at Annapolis However, delegates arrived from only five States, and these delegates, after concluding that it was necessary to amend the Articles of Confederation before any real commercial progress could be made, adjourned to meet at Philadelphia in 1787.

The Constitutional Convention. — Virginia was the first State to announce her delegates for the Philadelphia Convention. They were Washington, Madison, and Edmund Randolph. The

¹ “The Critical Period of American History,” page 146

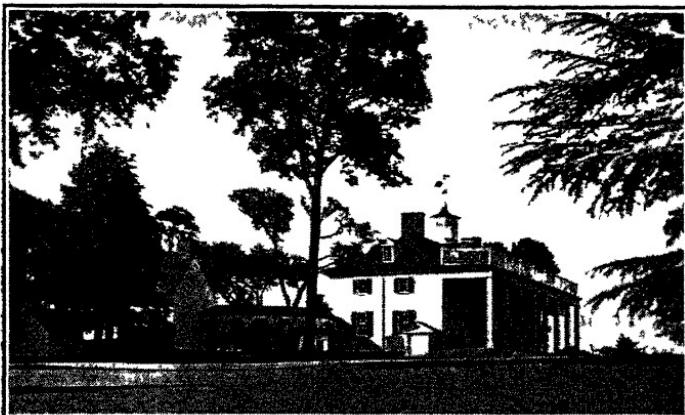
name of Washington inspired confidence. In May, 1787, delegates from all the States except Rhode Island assembled, fifty-five able delegates being present. Washington was chosen President of the Convention, and it was agreed that each State should have one vote, and that the sessions should be secret.

Drafting the Federal Constitution — Immediately the Convention divided into two factions — the one representing the smaller States and the other the larger States. Randolph of Virginia presented the Large State Plan, or the so-called "Virginia Plan," which proposed a Congress of two houses with power to legislate on all national matters and to compel obedience on the part of the States. Representation in both houses was to be based on population, thus giving the larger and more populous States the control of both branches of the legislature. Furthermore, since by this scheme the President, executive officers, and judges were to be appointed by Congress, supervision of the whole administration of the new government would be under the control of the larger States.

Paterson of New Jersey introduced the Small State Plan, or the so-called "New Jersey Plan," which provided for a Congress consisting of one house. According to this plan each State was to have equal representation.

The result was a compromise. It was agreed that there should be a legislature of two houses — a Senate, the less numerous branch, and a House of Representatives, the more numerous branch. In the Senate each State was to have an equal representation, thus putting the small States on an equal footing with the large ones, but in the House of Representatives the representation was to be according to population, thus favoring the larger States.

It was also decided by the Convention that the Constitution should be considered ratified and should go into effect as soon as accepted by nine of the thirteen States. Persons favoring the adoption of the Constitution by their respective States were called Federalists, and those opposing it were called Anti-Federal-



MOUNT VERNON, THE HOME OF WASHINGTON



© Harris & Ewing

SIGNING THE CONSTITUTION OF THE UNITED STATES

alists From this contest rose the first political parties in the United States

The Convention adjourned in September, having been in session a little over four months. Gladstone, the famous English statesman, considered this Constitution the greatest work ever struck off at one time by the hand of man

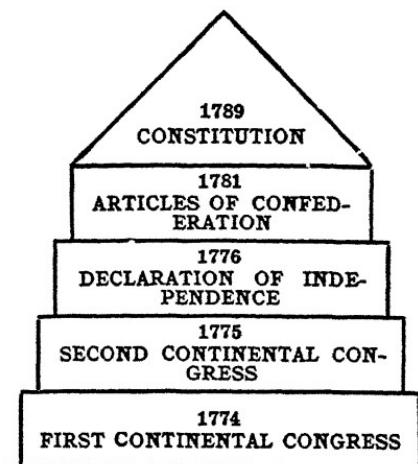
The fundamental difference between the new Constitution and the old Articles was that the Constitution provided an adequate executive and judiciary to enforce the Federal laws directly upon the individual instead of depending upon the indirect enforcement by the State governments, which had enforced only such as they individually approved

Arguments for and against Adoption — The Federalist Party with such leaders as Hamilton, Washington, and Marshall favored the proposed Constitution because it established a strong National government which would attract outstanding statesmen and develop a great united nation This party was especially strong in commercial New England, where the weakness of the old Confederation and the tariff discriminations of the States were brought forcibly home The arguments of the Federalists appeared in a collection of eighty-five essays, called "The Federalist," written by Alexander Hamilton, John Jay, and James Madison. These essays contain an excellent exposition of the Constitution

The Anti-Federalists, such as Patrick Henry and George Clinton, favored strong State governments and a comparatively weak National government They felt that too much power was given to the central government and that State liberty would be crushed out Patriotism at that time was devotion to the State A citizen of Virginia abroad called himself a "Virginian" and not an "American" The Anti-Federalists compared a strong National government to the English government, by which they had so recently felt oppressed, and they declared that it would be a government founded upon the destruction of the governments of the several States.

A further objection was that the Constitution contained no definite "bill of rights" guaranteeing to individuals such fundamental liberties as freedom of speech, liberty of the press, assurance against unjust arrest, and trial by jury. The Federalists practically agreed to add these guarantees, which promise was fulfilled by the adoption of the first ten constitutional amendments in 1791. It was feared that a President might become so popular as to obtain life tenure of office, and thus the government might degenerate into a monarchy. Patrick Henry cried, "We shall have a King, the army will salute him monarch."

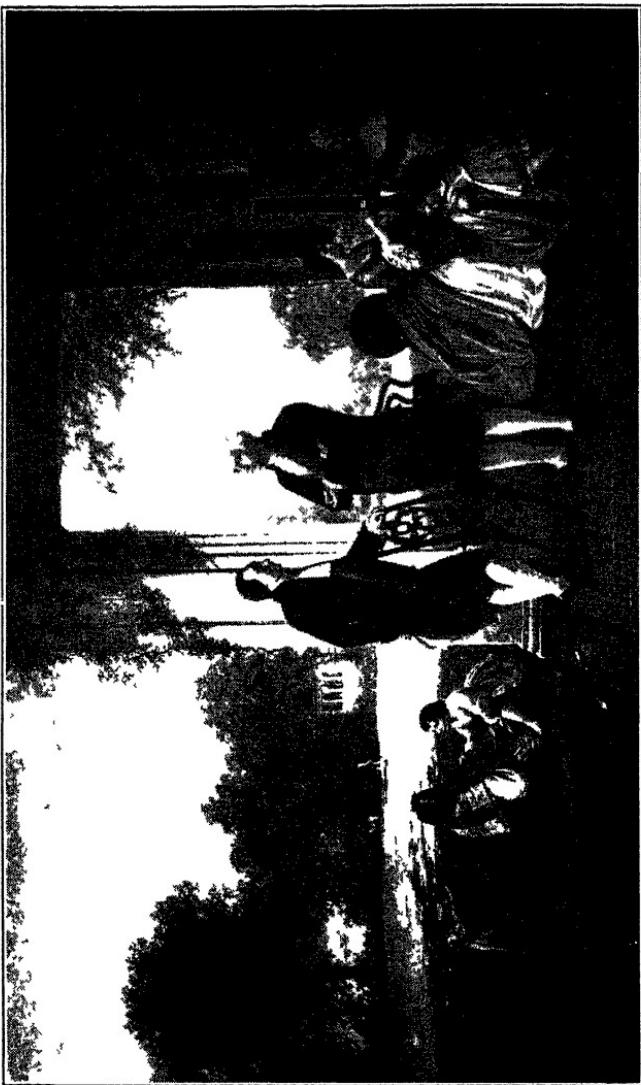
By June, 1788, the Federalists prevailed. New Hampshire,¹ the ninth State, ratified. The Continental Congress provided for the election of a President and his inauguration on March 4, which day was observed as the beginning of a new term of office until changed to January 20th by Amendment 20. Owing to a delay in the assembling of the new Congress, which Congress had to count the electoral vote, Washington was not inaugurated until April 30, 1789.



Adapted from Forman's *Advanced Civics*

¹ The Constitution was ratified by the several States in the following order: Delaware, December 7, 1787, Pennsylvania, December 12, 1787, New Jersey, December 18, 1787, Georgia, January 2, 1788; Connecticut, January 9, 1788, Massachusetts, February 6, 1788, Maryland, April 28, 1788; South Carolina, May 23, 1788, New Hampshire, June 21, 1788, Virginia, June 26, 1788, New York, July 26, 1788, North Carolina, November 21, 1789, and Rhode Island, May 29, 1790.

WASHINGTON ENTERTAINING LAFAYETTE AT MOUNT VERNON IN 1776



QUESTIONS ON THE TEXT

- 1 Name three kinds of colonies and describe the characteristics of each.
- 2 What were the Articles of Confederation? When were they framed? When ratified? Why the delay?
- 3 What were the powers of the Confederate (Continental) Congress?
- 4 Name five distinctive features of the Articles of Confederation which proved to be their greatest defects.
- 5 Describe the unsatisfactory conditions existing during the Critical Period. What dispute arose between New York and New Jersey? New York and Connecticut? Maryland and Virginia?
- 6 When and where was the Constitution drafted?
- 7 What was the "Virginia Plan"? The "New Jersey Plan"? What was the compromise?
- 8 How many States were required for the ratification of the Constitution?
- 9 What was the fundamental difference between the Constitution and the Articles of Confederation?
- 10 Who favored the adoption of the Constitution and what argument did they use for its adoption? Who opposed it and what were their arguments?
- 11 In what year was the required number of ratifications obtained?
- 12 When was Washington inaugurated as the first President of the United States?

PROBLEMS FOR DISCUSSION

- 1 Let five pupils report on the experiences commemorated by the five stones of the pyramid
- 2 Prepare a five-minute paper on "The Critical Period of the American Confederation (1781-1789)" Consult Fiske's "Critical Period of American History"
- 3 What did the individual State gain by entering the Federal union? What did it lose?
- 4 If our thirteen States had not united, what nation would probably control northern New England? Florida? Louisiana? Texas? California? Washington? Wisconsin? Minnesota?
- 5 Every community that enjoys peace and order has government. The township, the county, the State, and the United States of America have peace and order because they have governments to secure it. But in the international community where nations meet to settle their

complex relations, just as individuals meet in their community, there have been no impartial officers to adjust their differences and no police to enforce international law. Public opinion and noble impulse must be organized to enforce their will upon the selfish. Should the United States help to form a world federation? Name some provisions that should be in a Constitution of the World. How would it differ from the United Nations Charter? (See Chapter XL.)

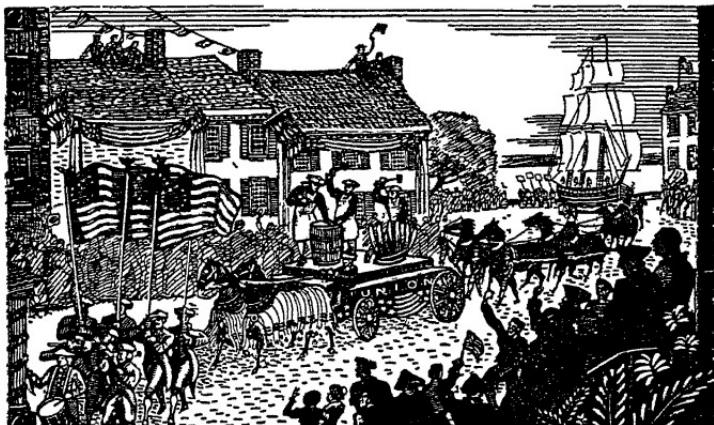
6. When the thirteen States federated, there was need of much self-government within a State because there was so little communication or travel or transportation between States. To-day all of New England is relatively smaller than each of the States at the time of union. Would it be more convenient for the business man and traveler and less expensive for the resident taxpayer if there should be one State government for all New England? (Assume the representation in the United States Senate unchanged.) Advance arguments for and against such a State.

7. The Constitution was not framed by theoretical radical revolutionists. It was framed a decade after the Declaration of Independence by statesmen who had felt the sobering effects of responsibility by George Washington and James Madison (not Patrick Henry) from the Old Dominion State, by Benjamin Franklin and Gouverneur Morris (not Tom Paine) from the Keystone State; and by Alexander Hamilton (not Aaron Burr) from the Empire State. These leaders gave us a practical Constitution for an enduring Union. Do you think the Constitution would have been better or worse if drafted by the above men who were rejected?

8. When the President is inaugurated he swears that he will, to the best of his ability, "preserve, protect, defend the Constitution of the United States." Does "preserve" mean to follow the Constitution strictly according to the letter, or does it mean merely to keep it up to the times?

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CHEERING CROWDS CELEBRATE THE RATIFICATION OF THE CONSTITUTION, 1788

CHAPTER IV

THE FEDERAL SYSTEM OF GOVERNMENT

Confederate and Federal Government Distinguished.—The Constitution of the United States provides a federal combination of States as distinguished from the loose leagues or confederations of the ancient Greeks and as distinguished from the unitary state of the present-day English. In 1787, when our Constitution makers changed the thirteen *confederate* States into thirteen *federated* States, they showed to the world a type of government never before tried

Greek confederations, the Holy Roman Empire (800–1806), the Swiss Confederation (1291–1848), and the American Confederation (1781–1788) depended upon the governments of the States composing them to enforce all laws. In fact, this old type, known as *confederations*, was at best scarcely more than an arrangement for offensive and defensive alliances. On the other hand the new type, known as *federations*, is a close union which enforces its laws directly upon the people, and, with few exceptions, through its own officers

Advantages of Federal Government in the United States.—The system of federal government in the United States retains the advantages of local self-government for the States as well as secures the strength which results from union. This system of state-making is the most complicated of all methods, but is at the same time the most stable. Not only are the American people enabled to protect their liberties through representation in Congress, but in such matters as religion, suffrage, and education, which produce determined sentiments, the American federal system gives consideration to the wishes of the people of each State.

Texas can tax church property or not as it thinks best; South Carolina can have the educational test to bar illiterates from voting; and Louisiana may provide free textbooks to parochial schools. And, further, if the peace of Texas should be disturbed by Mexican invaders, Texas could depend upon the assistance of the remaining forty-seven States for defense; and should yellow fever in Cuba threaten the United States, the united effort of the States would be exerted to prevent it.

Division of Powers between Nation and States. — The Constitution of the United States is a written agreement entered into by the people of the thirteen original States, and agreed to by the people of the thirty-five States which have since entered the Union.

The general principle governing the division of powers between the National government on the one hand and the State governments on the other is thus laid down in the tenth amendment "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States." The National government is said to have "delegated" or "federal" powers,¹ while the State governments have "residual" or "State" powers; that is, the State governments may do all things other than those provided for by the Constitution.² In other words, the National government must show

¹ Most of these powers are enumerated in the eighteen clauses of Article I, Section 8.

² There are many powers delegated to the National government but not expressly denied to the States. Some of these powers are concurrent in that they may be exercised by either the Nation or the States. The Supreme Court has decided that those powers which are of such a character that the exercise of them by the State would be, under any circumstances, inconsistent with the general theory of National government may be exercised only by the United States.

Those delegated powers not of this character may be exercised by the States until the United States sees fit to exercise them. To illustrate, the Constitution delegates to Congress the power to enact bankruptcy laws. From 1878 to 1898 Congress did not desire a National bankruptcy law. All States enacted them. When a new National bankruptcy law was enacted in 1898 any details of the State laws inconsistent therewith became void. Therefore, while the States have a certain amount of power, the National government in reality is supreme in the sphere of concurrent power.

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some specific or implied grant of power for everything it does; a State government need only show that the Constitution does not prohibit it from doing whatever it sees fit to do.

The National government has power to

Maintain an army and navy (Art I, Sec 8, Art II, Sec 2)

Declare war and make peace (Art I, Sec 8, Art II, Sec 2)

Make treaties and other foreign relations (Art II, Sec 2)

Regulate immigration and naturalization (Art I, Sec 8)

Regulate foreign and interstate commerce (Art I, Sec 8)

Maintain post offices and post roads (Art I, Sec 8.)

Issue coins and paper money (Art I, Sec 8)

Grant copyrights and patents (Art I, Sec. 8)

Maintain Federal courts of justice (Art I, Sec 8, Art III, Sec 1)

Collect taxes for the above purposes and for the general welfare (Art I, Sec 8)

Do anything "necessary and proper¹ for carrying into execution the foregoing powers" (Art I, Sec 8)

By way of illustration, let us enumerate a few powers which the State of Alabama could exercise. She could make laws requiring the consent of police officers to hold a church service, could pay the salaries of Catholic priests, could require all news items to be approved by a State censor before being published; and could prohibit the carrying, or even owning, of firearms.

Alabama could do all these things because there is no provision in the Constitution of the United States prohibiting her.² The Congress of the United States, as we have just

¹ The Supreme Court has construed "necessary and proper" to mean "expedient" or "appropriate"

² It is barely possible but not probable that the courts would declare some of these laws contrary to the fourteenth amendment of the Constitution of the United States. For instance, they might hold that the State censorship would deprive a person of his liberty without due process of law

seen, could not make any of these things lawful because it has not been delegated the power to pass any of these laws. A State can legislate concerning marriage, divorce, contracts, regulation of cities, traffic, education, and innumerable things which affect only the one State; but the United States cannot legislate concerning these matters because there are no clauses in the Constitution permitting it to do so either specifically or by implication.

Supremacy of Federal Law. — In our Federal system of government some powers granted to the National government are almost certain to conflict with others which were apparently reserved for the State governments. The following passage from the Constitution shows that State laws which conflict with such National laws as Congress has constitutional authority for enacting must yield to the National laws.

“This Constitution and the laws of the United States which shall be made in pursuance thereof, and all treaties made or which shall be made under the authority of the United States shall be the supreme law of the land.” This means that California could not prohibit Chinese born in the United States from voting at regular elections, as this would violate the fifteenth amendment to the Constitution of the United States. Further, this also means that California could not hold regular elections for Congressmen in June because a law of the United States prescribes the month of November. Or, if the United States should make a treaty with China agreeing to guarantee to all Chinese residing in the United States all privileges of citizens of the United States, California could not place a higher license upon laundries run by alien Chinese than upon similar laundries conducted by Americans.

Supremacy of the Federal Judiciary. — Not only is the Federal law supreme but the Federal courts decide whether a State or an individual has violated this law. If Virginia should pass a law conflicting with the Constitution, laws, or treaties of the United States, any individual who feels aggrieved thereby might

go to court, and, if the case is finally appealed to the Supreme Court of the United States, this court would decide whether the State law really conflicts. The decisions of the Supreme Court are binding not only on private persons, but on States, and even on the Congress of the United States, if the latter passes a law contrary to the Constitution.¹

Interstate Relations. — In the preceding sections of this chapter the relations that exist between the United States on the one hand and the States composing it on the other have been considered. In this section the relations that exist among the forty-eight States will be discussed. *

States Independent of One Another — "Except as otherwise specifically provided by the Federal Constitution, the States of the American Union, when acting within the spheres of government reserved to them, stand toward one another as independent and wholly separate States. The laws of each State have no force, and its officials have no public authority, outside of the State's territorial boundaries.² As to all these matters their

¹ The power of the courts to declare Acts of Congress, or Acts of State legislatures, unconstitutional according to the United States Constitution is not granted in the Constitution. It was first announced as affecting the United States Constitution in the case of *Marbury v. Madison* (1803). On the evening of March 3, 1801, President Adams signed and sealed a commission appointing one Marbury justice of the peace for the District of Columbia. On the next day Jefferson was inaugurated as President and immediately instructed his Secretary of State, James Madison, not to deliver the commission.

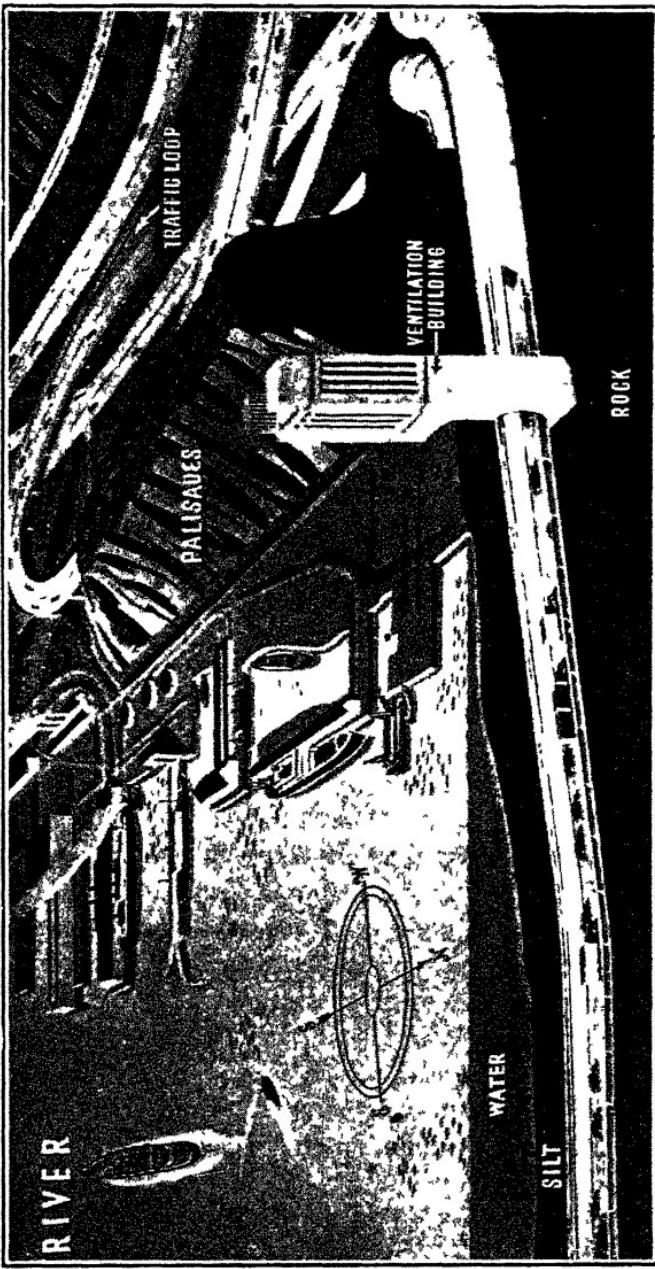
Marbury thereupon applied to the Supreme Court for a writ of *mandamus* compelling Madison to make delivery, and cited an Act of Congress, the Judiciary Act of 1789, which empowered the Court to issue such writs against officers of the United States. But a unanimous decision of the Court written by John Marshall held that the section of the Judiciary Act which authorized the Court to *mandamus* the chief executive was beyond the powers granted Congress by the Constitution and hence unconstitutional. Thus Marshall proclaimed, for the first time in any United States Supreme Court decision, the right of this tribunal to declare an Act of Congress void.

To-day any State or Federal court may refuse to enforce an Act of Congress or an Act of a State legislature, if it believes it to be unconstitutional, until the Act is declared constitutional by the United States Supreme Court.

² Except under the Full Faith and Credit clause, and where States permit officers of other States to arrest fugitives across the border when in hot pursuit.

Courtesy Port of New York Authority

SECTION OF LINCOLN TUNNEL FROM 39TH STREET, NEW YORK, TO NEW JERSEY
This tunnel was built by the Port of New York Authority at a cost of about \$85,000,000. It was started with a
P.W.A. loan, and should pay for itself in forty years by a toll of fifty cents for a passenger car. The first tube was
finished in 1938 with two traffic lanes. The north tube was finished in 1945 with two more traffic lanes.



relations *inter se* (among themselves) are governed by the general principles of private International Law "¹

Interstate Agreements. — With the consent of Congress, States may enter agreements among themselves² States have thus settled boundary disputes; Washington and Oregon have protected fish in boundary waters, New York and New Jersey created the Port of New York Authority to provide bridges and tunnels; New York, New Jersey, and Connecticut created the Sanitary Commission to prevent sewage pollution; and in 1940 Congress authorized the creation of an Interstate Commission on the Potomac River Basin, and the Ohio River Valley Water Sanitary Commission with power to prevent river pollution.

The Boulder Dam agreement among the States of the Colorado River basin is the first great attempt in this federation of States to bring together a great number of States as political units for the development, control, and management of a regional river in which they are all interested. When a river flows through a number of States and does not supply enough water for the demands of them all, the first that make proper use of the water are generally considered to have prior rights over others that subsequently divert water from the stream to the injury of prior users farther down the stream³ When the building of the great Boulder Dam began to be discussed, the upper States took alarm. It would enable California, which was immediately ready to use the stored water, to assert a right to all the unused water above. It could not be asserted against existing uses, but would be a menace to the future development of the upper States.

In 1922 an agreement as to the distribution of water was reached and a compact signed, which was submitted to the Federal government and to the respective States for ratification.

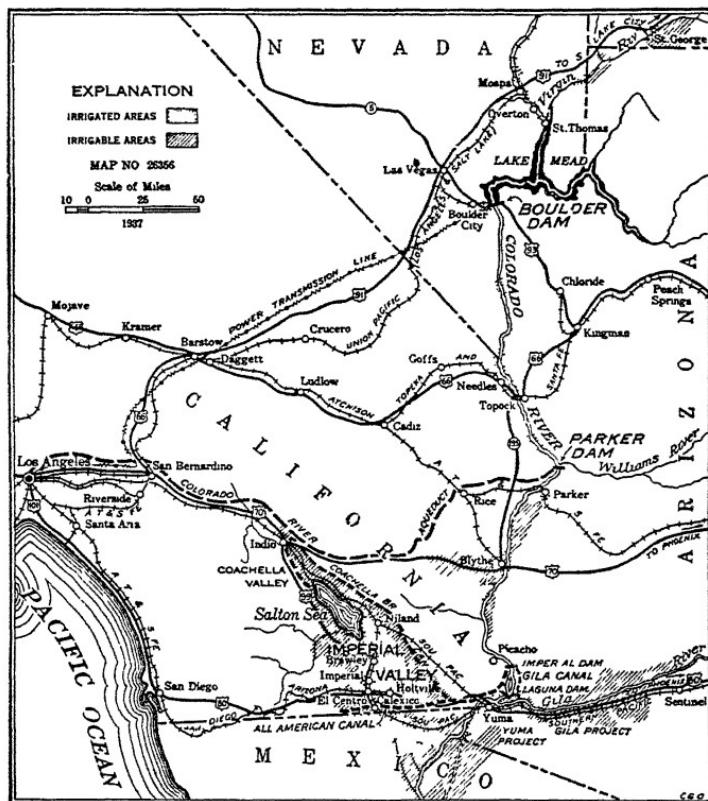
Six of the seven States ratified the above compact Arizona

¹ Willoughby on the Constitution of the United States, page 294 1929 ed.

² U S. Constitution, Art I, Sec 10

³ This is the common law rule In the arid west a more important use of water is sometimes given precedence over prior use.

refused to ratify. However, in 1928, Congress authorized the construction of the Boulder Dam project upon the agreement of six of the seven States; and in 1930 work on Boulder Dam (then called "Hoover Dam") was begun. Arizona applied for



THE AREA AFFECTED BY BOULDER DAM

an injunction against the construction of the dam, but in 1931 the Supreme Court of the United States denied the injunction. It affirmed the authority of the Federal government to construct dams on interstate rivers for the prevention of floods, for reclamation of arid lands, for storage of water, and for development of

power. Arizona's claim based on sovereignty over its share of the water of the Colorado River and on its dissent from the Colorado River compact was thrown out of court.

Full Faith and Credit Clause. — The Constitution specifically provides that "full faith and credit shall be given in each State to the public acts, records, and judicial proceedings of every other State, and Congress may by general laws prescribe the manner in which such acts, records, and proceedings shall be proved and the effect thereof" (Art IV, Sec 1)

By "public acts" is meant the statutes and ordinances in force in a State. For instance, a Maryland statute permits marriage without a license if announced in a church in the fiancée's county three successive Sundays before the ceremony. All other States recognize such a marriage even though they require a license for marriage solemnized therein.¹

"Records" mean such official files as deeds, births, marriages. One can prove age, marriage status, or title to land by obtaining a certificate from the proper clerk in the State where the record was made.

By "judicial proceedings," as here used, civil suits only are included. Suppose A brings suit against B in a court of New York, of which State both parties are residents, and the court decides that B owes A \$1000 and gives A judgment. B moves to New Jersey taking all of his property with him before it can be attached for the debt. A follows him and shows in the New

¹ On October 4, 1940, the Nevada divorce mill granted divorces to middle-aged O B Williams and Mrs Lillie Shaver Hendrix who had stopped six weeks at a Las Vegas auto camp to qualify for residence. They divorced their former spouses and were immediately married. Back in North Carolina a strange homecoming awaited them. Each was convicted of bigamous cohabitation and sentenced for a minimum of three years, but appealed immediately.

In May, 1945, the U S Supreme Court upheld the North Carolina conviction of the man and woman, announcing that North Carolina did not have to yield to the fraudulent finding of the Nevada court that the North Carolina couple were "domiciled" in the western state when the divorces were granted. This decision seems not to be "full faith."

Jersey court of proper jurisdiction the judgment of the New York court with the certificate of the New York judge, the signature of the clerk, and the seal of the court. The New Jersey court, without reexamining the merits of the original claim, will give "faith and credit" to the judgment and will have its officer collect the debt for A.

Privileges and Immunities. — The Constitution specifically provides that "the citizens of each State shall be entitled to all privileges and immunities of citizens in the several States" (Art IV, Sec 2.) This means that a citizen of one State may go to another State and there enjoy the same civil rights¹ that citizens of the latter State enjoy, and likewise be subject to the same restrictions.²

As an example of the rights a citizen of one State may enjoy in another State, the legislature of Maryland passed a law (1868) imposing a license on the privilege of selling articles not manufactured in Maryland. For citizens of Maryland the license was not to exceed \$150, but for citizens of other States the license was to be \$300. Mr Ward of New Jersey refused to pay more than \$150, and the Supreme Court of the United States decided that Mr. Ward could not be required to pay more than citizens of Maryland.

As an illustration of a restriction upon a citizen of one State while in another State, a citizen of Washington State cannot marry in Oregon unless he is physically and mentally examined in accordance with the Oregon law.

¹ *Civil rights* are those of person and property.

² Under the "privileges and immunities" clause a corporation is not a citizen. Therefore a State may refuse a corporation chartered in another State the privilege of conducting business in its borders. For instance, outside insurance companies may enter a State only on such conditions as the State may impose, e.g., that premiums collected in a State be invested there. But a State cannot interfere with interstate commerce without the consent of Congress, and a corporation has the same privileges of interstate commerce as a natural person. It may ship commodities into a State under the same conditions as a natural person, and may likewise become an interstate common carrier.

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The courts have never given a complete list of privileges and immunities, but the following are some of them: The right to pass through, or reside in any other State for the purpose of trade, agriculture, professional pursuits, or otherwise; to demand the writ of *habeas corpus*; to bring suit in the courts of the State; to make contracts, to buy, sell, and own property; to pay no higher taxes than the citizens of the State, to marry.

A State is not required to grant *public* or *political* privileges to non-residents. It may require one to live in a State a specified period before voting or holding office.

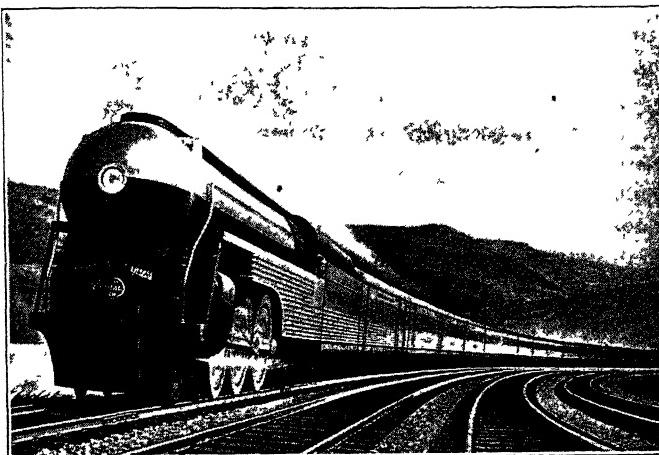
A State may require a period of residence in a State before it grants licenses to practice medicine or dentistry, and may restrict the practice of law to citizens of the State. The State has the right to take time to observe the moral character of a person who desires to enter an occupation of great importance to the general public.

Wild fish and game are property of the State, therefore a non-resident may be compelled to pay a higher fee for a hunting or fishing license than a resident, who pays taxes to help maintain the State game and fish hatcheries. Likewise a State school may charge higher tuition to non-residents than to residents.

Extradition — The Constitution specifically provides that "a person charged in any State with treason, felony, or other crime, who shall flee from justice and be found in another State, shall on demand of the executive authority of the State from which he fled be delivered up to be removed to the State having jurisdiction of the crime" (Art. IV, Sec. 2.)

Occasionally a governor has refused to surrender an accused person and neither the United States courts nor the President of the United States has compelled him to do so. For instance, a number of years ago ex-Governor Taylor of Kentucky was indicted as having been implicated in the murder of Governor Goebel, and fled to Indiana. The governor of Indiana, feeling that Taylor, a Republican, would not receive a fair trial by the Democrats then in control in Kentucky, refused to extradite him.

Interstate Commerce — Without the consent of Congress a State cannot forbid shipment into its borders of commodities from another State or a foreign country. But under the State's police powers to promote health, morals, and safety, it may



Courtesy New York Central System

INTERSTATE COMMERCE

To-day criminals, as well as reformers, and diseases, as well as vitamins, are carried from State to State at the speed of a storm wind. Were it not for control by the Union the forty-eight States would be helpless.

regulate or forbid the sale of interstate commodities as soon as the original package is once sold, broken open, or used. For instance, a State may forbid the sale of cigarettes; but it cannot interfere with the sale of cigarettes shipped in from another State until the large package in which cigarettes are ordinarily shipped is once sold or opened.

Congress may surrender certain control over interstate commerce to the States. For instance, it has permitted the States to establish quarantines against diseased cattle, plants, or commodities; and has allowed States that forbid the sale of goods made by convicts within the State to exclude at their borders convict-made goods shipped in from another State.

Furthermore, Amendment XXI of the Constitution forbids the importation of intoxicating liquors into any State for delivery or use in violation of the State laws. The purpose of this clause was to permit prohibition States or dry localities to exclude liquors, and all States to have an adequate check on liquor traffic, but when California levied a license fee on the importers of beer from outside the State the United States Supreme Court upheld the right of California to do so, even though it seemed discriminatory against interstate commerce rather than a prohibition measure Missouri and other States retaliated against these regulations by excluding all alcoholic liquors from States with discriminatory laws Under the present interpretation of Amendment XXI, the States may legally exclude liquor or tax it at the border for any reason they see fit

Excessive State Interference with Interstate Commerce — Because of the increased need for State revenues and the desire to build or protect local businesses, many States have in recent years restricted the free flow of interstate commerce through their taxing power or their control over health and safety. For example, some States require the full fee for trucks operating through the State, such as in one region three adjoining States charged an annual license of \$400 or \$300 respectively, for a five ton truck. Operating across these three States cost the trucker a total of \$1100 annually, which was a legal hardship against interstate trucks

A more justifiable "use tax" may be imposed on articles imported from another State for the privilege of using the article. Such a tax is usually equal to the sales tax imposed by the State. (See Chapter XXXI)

Also States may require milk in fluid form to be inspected at its source by inspectors supplied by the State. These inspectors are not available for inspection at any great distance from the State's borders and hence the compulsory inspection automatically excludes milk from out of the State Eggs too are excluded in some States which define "fresh eggs" as being

laid in the State without regard for the time element Quarantines on plants or animals that may carry diseases or harmful insects, although somewhat justified, have led to unfair discrimination against competing areas in many cases

"Ports of Entry," similar to customs offices, have been established in several States to carry on their inspection and tax collection work These tend to develop ill feeling, and may be a nuisance.

Separation of the Powers of the National Government. — The division of the powers between the National government and the State governments has been discussed The powers of the National government are further separated into three grand departments — the legislative, the executive, and the judicial

Legislative Department — The Constitution of the United States provides that all legislative (law-making) powers of the National government shall be vested in a Congress This body cannot authorize any other persons to legislate in its stead, but it can outline the general policy and purpose and leave the details of execution to some commission For instance, it can direct the Interstate Commerce Commission to prescribe reasonable railroad rates Thereupon the Commission can prescribe a two-cent passenger fare on condition that the courts consider this low rate reasonable to the railroad companies.

Executive Department — The Constitution of the United States provides that the executive (law-enforcing) powers shall be vested in a President, whose duty it is to see that the laws that have been made by Congress are executed.

Judicial Department — The Constitution of the United States provides that the judicial (law-interpreting and law-applying) powers shall be vested in one Supreme Court and such inferior courts as Congress shall from time to time ordain and establish.

Check and Balance System. — The legislative, executive, and judicial functions of government were vested in three separate bodies of public servants in order that each might be a check upon or balance to the other. The Constitution makers greatly

feared the tyranny of a king after they had succeeded in throwing off the yoke of George III, and considered the principle of the separation of powers essential to the protection of individual liberty. Therefore, the President was given the veto power over legislation passed by Congress; Congress was given the right to impeach the President, judges, and other civil officers; and the courts assumed the power to declare unconstitutional, and hence of no force, laws enacted by Congress.

Criticism of the Check and Balance System. — The principle of checks and balances in government is not held in such high esteem to-day as it was a century ago. The people no longer fear the officers whom they elect every few years. They admit that mistakes or evil designs of one department might be checked by another, but they have also come to realize that well-planned, honest policies of one department can be checked by the officers of another department if the latter are unfavorable to them.

There are times when our government comes to a standstill because the departments cannot agree upon a certain policy. The ideas of any one of the departments might work well if vigorously pushed forward, but when there is a difference of opinion between the legislative and executive departments, a political "boss," good or bad, must mount the vehicle of state and keep it moving. Since it has become necessary to have a boss it would seem well to be bossed by the President, who is elected by all the people; and is responsible to all the people every fourth year.

Constitutional Amendments. — The methods of amending the Constitution of the United States set forth in Article V are more difficult than those of any other nation. There are four formal ways of amending it.

First, an amendment may be proposed by a two-thirds vote of each house of Congress and ratified by the legislatures of three fourths of the States. The first twenty amendments were adopted in this manner.

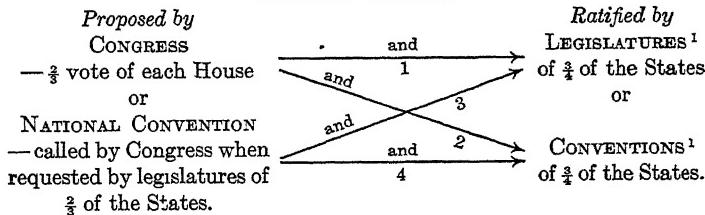
Second, an amendment may be proposed by a two-thirds vote of each house of Congress and ratified by conventions in three fourths of the States. The disadvantage of this method is the fact that there is only one opportunity in each State for its ratification; whereas, under the first method, if one legislature refuses to ratify, a subsequent one can do so. But when a legislature once ratifies, it cannot rescind. The 21st Amendment was referred to conventions because the people who elect delegates were believed to be wiser than State legislators.

Third, an amendment may be proposed by a National Convention, called by Congress when requested by the legislatures of two thirds of the States, and ratified by the legislatures of three fourths of the States.

Fourth, an amendment may be proposed by a National Convention, called by Congress when requested by the legislatures of two thirds of the States, and ratified by conventions in three fourths of the States. The Constitution was originally adopted in this manner.

Referendum Denied. — In 1920 the United States Supreme Court ruled that State legislatures may not refer Federal amendments to the people but must pass upon them themselves. However, a legislature may be influenced by an advisory vote of the people.

FOUR WAYS OF AMENDING THE CONSTITUTION OF THE UNITED STATES



¹ Congress determines whether an amendment is to be ratified by State legislatures or by State conventions.

As soon as the government of the United States was established the first ten amendments were added to the Constitution and were known as the Bill of Rights. The eleventh amendment was added in 1798; the twelfth, in 1804. For sixty-one years no other amendment was added until the Civil War resulted in the ratification of the thirteenth (1865), the fourteenth (1868), and the fifteenth (1870). Since then hundreds of proposals have been introduced, but only seven have been submitted to the States. The sixteenth amendment, providing for a Federal income tax, and the seventeenth, for the popular election of senators, were both ratified in 1913, the eighteenth, providing for nation-wide prohibition, was ratified in 1919; the nineteenth, providing for woman suffrage, was ratified in 1920; the twentieth, providing that Congress shall meet January 3d and the President take office January 20th, and the twenty-first, repealing the eighteenth amendment, were ratified in 1933.

Thus is the Constitution formally amended. Owing to the difficulty of persuading two thirds of the members of Congress to propose an amendment and three fourths of the States to ratify it, the Supreme Court has been led to give a liberal elastic construction to the Constitution.

Constitution Adaptable to Economic Changes.—While we have referred to the Constitution as an agreement, it is not an agreement in the sense of a contract which must be interpreted exactly as the parties to the contract understood it when it was entered into. When the Constitution was drafted in 1787 there were only 4,000,000 scattered people in the United States, no large cities, few factories, no steamboats or railroads, no telegraphs, telephones, wireless or automobiles, no great monopolies ("trusts")

Things which concerned one State then now concern the entire Union, and as it has been very difficult to amend the Constitution, the Courts have allowed Congress to read a new meaning into the words which the framers of the Constitution used. So the Constitution instead of being a dead contract

is a living agreement which changes with time and adapts itself to economic and social changes. One might say that the Elastic Clause of the Constitution, which gives Congress power to legislate on all matters "necessary and proper for carrying into execution" the enumerated powers, has kept the Constitution alive for more than a century of eventful years.

The Unwritten Constitution. — The Constitution of the United States has been changed only twenty-one times by formal amendments added to the Constitution; but to understand the real nature of our government to-day one must consider legislation, court decisions, party practices, and custom.

1 *Legislation.* — The Constitution has been supplemented by statutes. Good examples are statutes establishing Federal courts, statutes creating the administrative departments, boards, and commissions; and the statute determining the line of succession to the presidency following that of the Vice-President.

2 *Court Decisions* — Jefferson once said that John Marshall and the Supreme Court were engaged in making a constitution for the government. He was right. The great body of American law is not to be found in our written Constitution. It is unwritten in a legal and constitutional sense and is to be found in the decisions of our courts.

The Constitution does not expressly bestow upon the Supreme Court the power to invalidate Acts of Congress which are in its opinion contrary to the Constitution. This practice of the Court, begun in the case of *Marbury v. Madison*, was based on logic rather than any specific constitutional provision, and it has come to constitute the most notable feature of the American system of government.

The principles of taxation laid down in the Constitution have been considerably supplemented by judicial doctrines. The United States Supreme Court has held that neither the National Government nor the State governments can tax the instrumentalities of the other. The States cannot tax bonds of the

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National Government or interest thereon, or tax its property without its consent. Neither can the National Government tax the bonds of State or local governments or interest thereon, nor tax State property. As the Constitution does not definitely impose these restrictions the Court might reverse itself and allow taxation of future government bonds or property.

3. *Party Practices.* — American political parties have converted the electoral college into a party agency for choosing a President on a party platform; and party primaries are as important as elections in choosing Congressmen. The President's Cabinet is not mentioned in the written Constitution, but it is an important political agency, being composed of members of the President's political party. Procedure and policies of the House of Representatives are largely determined by caucuses.

4. *Custom.* — Unwritten custom may be as strong as written law. For example, when a new President is elected it is customary for Cabinet members and diplomats to offer their resignations, which are usually accepted. Also it is a custom for the Senate to reject an appointment by the President if the senators of the President's party from the State where the appointee is to serve oppose the nominee of the President. This custom is so well established that it practically shifts the appointive power over certain Federal officers from the President to the senators.

QUESTIONS ON THE TEXT

1. Distinguish the meaning of confederate government from that of federal government.
2. What are the advantages of federal government in the United States?
3. Mention some powers which the National government may exercise.
4. What powers are reserved to the States? What amendment of the Constitution provides for this reservation?
5. Distinguish "delegated" or "Federal" powers from "residual" or "State" powers.

6. If a State law conflicts with a National law, which must yield to the other?

7. With whom does the final interpretation of the Federal law rest?

8. Explain the Supreme Court decision in the case of *Marbury v. Madison*.

9. What relation do States bear to one another except as specifically provided by the Constitution? Under what condition may they enter agreements among themselves? Give examples.

10. Why were Colorado and Utah interested in the Boulder Dam project?

11. What is meant by the requirement that each State give full faith and credit to the public acts, records, and judicial proceedings of every other State?

12. Name some privileges and immunities which a citizen of one State is entitled to enjoy in every other State.

13. May a State impose upon hunters from another State a higher license fee than upon citizens of the State?

14. What is meant by *extradition*?

15. When may a State exercise its "police power" over commodities shipped in from another State?

16. The powers of the National government are separated among what three grand departments? What powers has each?

17. What is meant by the check and balance system? What are the arguments in favor of and against the system?

18. What Article of the Constitution explains the manner in which the Constitution may be amended? Explain in what four combinations of ways it may be amended.

19. How many amendments to the Constitution of the United States are there?

20. Differentiate between "division" and "separation" of powers.

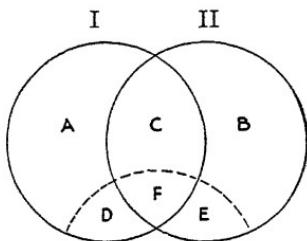
21. Explain four ways by which the Constitution has been modified other than formal amendment: first, legislation; second, court decisions; third, party practices; and fourth, custom.

PROBLEMS FOR DISCUSSION

1. The United States is a representative, constitutional, federal republic. Consult unabridged dictionaries and explain fully the meaning of each of these words.

2. Let each pupil prepare a large chart showing the powers of government under our federal system. The accompanying figure designed

by Professor Frank H. Garver can be enlarged. Circle I represents all possible powers of the National government and circle II all possible powers of State governments. Area A represents powers delegated to the National government and area B those reserved to the State governments; segment C concurrent powers, segment D powers prohibited to the National government, segment E powers prohibited to the State governments; and segment F powers prohibited to both governments. Space can be economized by the use of figures 183 in area A would mean Article I, Section 8, Clause 3, Am X in area B would mean Amendment X.



3 Give reasons why each power granted exclusively to the National government was so granted.

4 What legal complication would arise if the Federal law and system of courts were not supreme?

5 Oregon enacted a law making a doctor's certificate a prerequisite for obtaining a marriage license. Couples crossed into neighboring States and there married without a doctor's certificate and returned to Oregon to live. Could Oregon enact a law declaring such marriages illegal and prohibit the parties in question from living together within her boundaries?

6 In the government of one's self an individual is actuated by conscience, judgment, and will. Which of these is legislative, which executive, and which judicial?

7 Do you believe in the check and balance idea in government? To bring the problem close to home let us suppose your father the legislative department, your mother the judicial, and you the executive.

8. Alfred M Landon said "The Constitution is not an obstacle to Progress. It is the balance wheel of Progress". Hugh S Johnson said "An amendment depriving the Supreme Court of the power to act as umpire between the States, or the States and Nation, would be no less than revolution. Don't kill the umpire". Explain these statements.

9. Some people view our Constitution as a sacred document that should not be changed, but Thomas Jefferson expresses the contrary view in the following words. "Some men ascribe to the men of the preceding age a wisdom more than human, and suppose what they did to be beyond amendment. I knew that age [of the Revolution] well. I belonged to it and labored with it. It deserved well of its country. It was very like the present, but without the experience of the present;

and forty years of experience is worth a century of book reading; and this they would say themselves were they to arise from the dead." Are these words more or less true to-day than when they were spoken? Why?

10. The water of the Colorado River will produce many times as much per acre when used in the Imperial Valley of California as it will in the mountain States. Is this fact an argument for the States rights or the nationalistic theory of government?

11. Congress defeated a proposed Constitutional amendment which would have allowed the Constitution to be amended by a bare majority vote of Congress and a bare majority of popular votes at an election. The makers of the Constitution were unwilling to trust every Tom, Dick, and Harry voter with the amendment of the Constitution. Were they right or wrong?

12. An editor commenting upon popular amendment of the Constitution writes. "The Constitution should without doubt express the popular will, yet it should stand for stability. We need some protection against the constant assaults on our peace by cranks, theorists, altruists, and all the other 'ists'." What does the editor mean?

13. In Reno, Nevada, one can obtain a divorce on the ground of mental cruelty by residing there six weeks. When the United States Constitution was adopted, marriage and divorce were considered matters of State concern. There was no Reno, Nevada. If there had been it would have required months of hardship to reach there. Now it is merely a matter of hours from any part of the United States. Do you think Congress should be given power to legislate regarding marriage and divorce? How could Congress obtain this power?

14. What beneficial results have come from the federating of our States? Has it promoted peace? Unity of language? Security? Economic opportunity? Transportation? Communication of ideas? Has it helped the Ford Factory? The buyer of a Ford car? Law enforcement?

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CHAPTER V

THE LEGISLATIVE DEPARTMENT

Congress. — The legislature of the United States is called the Congress. It consists of a House of Representatives and a Senate. The House represents the National principle, because its members represent the people directly in proportion to population, and the Senate represents the Federal principle, because its members represent the States, each State having equal representation Article V of the Constitution provides that "no State, without its consent, shall be deprived of equal suffrage in the Senate" Without equal representation in the Senate such small States as Rhode Island, Delaware, and Maryland would not willingly have become members of the United States.

The advantages derived from a Congress composed of two houses are · (1) A bill passed in the heat of passion by one house can be submitted to the cool judgment of the other (2) The urban Northeast controls the House and the rural South and West control the Senate, hence each can protect its interests (3) One large house elected for a short term can express the wishes of the people, while the other house elected for a long term and small enough for deliberate debate can carefully weigh and consider them. (4) The press of our country has a better opportunity to point out the defects of a bill before it is acted upon by the second house

Thomas Jefferson, who possessed great faith in "the voice of the people," was in France when the Constitution was framed Upon his return, while taking breakfast with Washington, he opposed the two-body form of legislature, and was disposed to twist Washington

Fairchild Aerial Survey

THE CAPITOL
House Buildings (at left). Senate Building (upper right) Library of Congress and new Annex (lower right) Supreme Court Building between Senate Building and Library



about it. At this time Jefferson poured his coffee from his cup into his saucer Washington asked him why he did so. "To cool it," he replied "So," said Washington, "we will pour legislation into the Senatorial saucer to cool it."

It has been argued that New York with 13,000,000 inhabitants should have more senators than Nevada, for example, with only 110,000 To this argument Woodrow Wilson replied:

"These critics are entirely wrong in assuming . . . that the newer, weaker, or more sparsely settled parts of the country have less of an economic stake in its general policy and development than the older States and those which have had a great industrial development Their stake may not be equal in dollars and cents, but it is probably greater in all that concerns opportunity and the chances of life. There is a sense in which the interest of the poor man in the prosperity of the country is greater than that of the rich man he has no reserve, and his very life may depend upon it The very life of an undeveloped community may depend upon what will cause a rich community mere temporary inconvenience or negligible distress"

A country so extensive as ours, and representing such a great variety of social, economic, and political conditions, would not have held together without equal representation of the States in the Senate.

Terms of Congress. — Each term of Congress, lasting two years, is numbered consecutively from the first term, which began March 4, 1789. The term of the Eightieth Congress extends from January 3, 1947, to January 3, 1949.

Sessions of Congress. — There are two regular sessions of each Congress The first regular session begins January 3 following the election of Congressmen in November of each even-numbered year The second regular session begins the next January 3

Except in time of war or during a national emergency proclaimed by the President, the two Houses adjourn not later than the last day of July of each year unless otherwise provided by Congress (Legislative Reorganization Act of 1946).¹

¹ From 1933 (21st Amend.) to 1946 Congress adjourned when it saw fit.

The President may call extra sessions of Congress. President Roosevelt called such a session in 1939 at the outbreak of the World War, and in 1945 Truman called Congress back early.

The House of Representatives. — *Membership.* — The House of Representatives is the more numerous body of Congress. The Constitution directs Congress to determine the membership

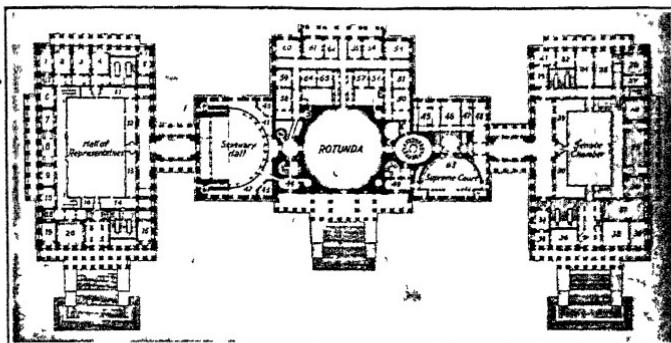


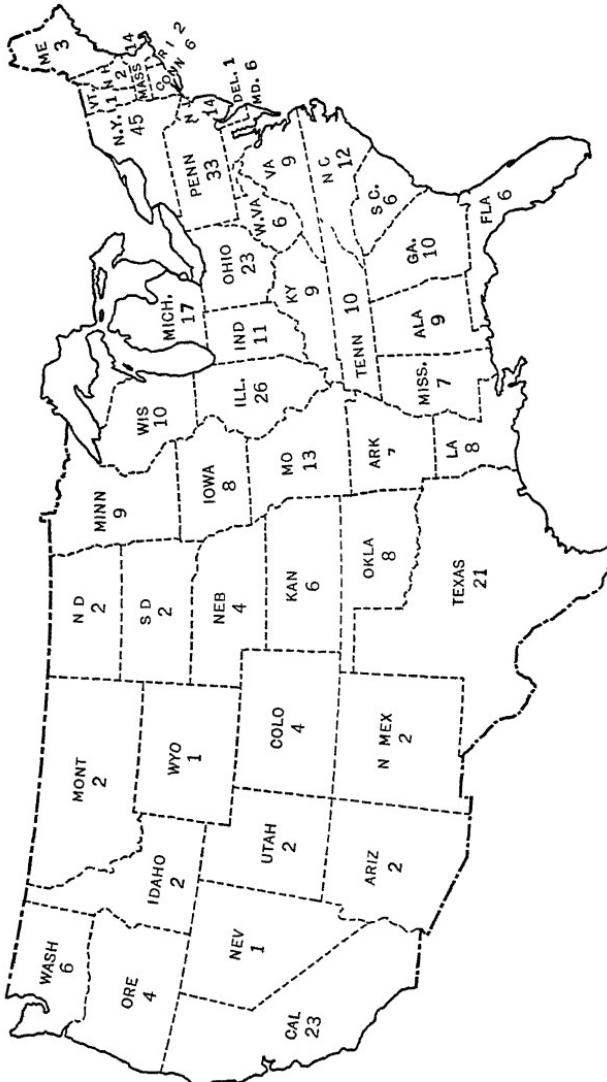
DIAGRAM OF THE MAIN FLOOR OF THE CAPITOL

after each census, and the number allotted to each State must be in proportion to its total population,¹ excluding Indians not taxed; but a State is entitled to at least one member²

Congress gradually increased the membership of the House from 105 after the census of 1790 to 435 after the census of 1910. Since then the number has not been increased. Congress found it increasingly difficult to apportion the membership without increasing the number because members from states whose population did not increase were frequently forced to legislate

¹ The fourteenth amendment declares that whenever a State shall limit the right of its adult male citizens to vote, except for crime, its representation in Congress shall be proportionately reduced. This provision has never been enforced, and some statesmen claim that it has been superseded by the fifteenth amendment.

² A territory is represented in the House by a delegate and Puerto Rico by a Commissioner. Each receives an annual salary of \$12,500 plus \$2,500 for expenses, but has no vote.



NUMBER OF REPRESENTATIVES APPORTIONED TO EACH STATE UNTIL THE CENSUS OF 1950

Following the 1940 Census, California gained three members; Arizona, Florida, New Mexico, North Carolina, Oregon, and Tennessee gained one each; and Illinois, Indiana, Iowa, Kansas, Massachusetts, Nebraska, Ohio, Oklahoma, and Pennsylvania, each lost one.

their own districts out of existence. Therefore Congress in 1941 authorized the President, after each census, to apportion the 435 members among the several states by the method of "equal proportions."

Election of Representatives. — The time, place, and manner of electing representatives are determined by Congress, but the Constitution provides for two-year terms of office and that any person may vote for them whom the State permits to vote for members of the most numerous branch of the State legislature. In 1872 Congress enacted that representatives should be chosen by written or printed ballots, and since 1899 voting machines have also been permitted. In 1873 it enacted that congressional elections should be held uniformly on the Tuesday following the first Monday of November every even-numbered year.¹ But in case of a vacancy in any State the Governor thereof may call a special election.²

During the first fifty years of our Union the States were permitted to elect their representatives as they chose. The method of electing them by districts early became popular, but some States elected all members at large,³ which made it possible, for example, for a State with a small Democratic majority to elect all Democratic members.

This was clearly unrepresentative, and in 1842 Congress prescribed that thenceforth all members should be chosen by districts.⁴ The district system tends to give representation to the minority party, but, as the States were laid out into dis-

¹ By a special provision of Congress Maine is permitted to hold her congressional election in September.

² Congress has power to control State election officials in the execution of State election laws if national officials are being elected. Thus for corrupt practices the United States courts may send them to Federal prisons.

³ *At large* means from the entire State. Each voter expresses as many preferences as there are congressmen to elect from the State.

⁴ If the reapportionment following a decennial census increases the representation of a State, the additional representatives may be elected at large until the State is reapportioned. If the representation of a State is reduced, the remaining representatives likewise may be elected at large.

tricts by the State legislatures, the districts were generally so arranged that the majority party continued to have a great advantage.

By an Act passed in 1872, Congress required that the congressional districts be of contiguous territory and contain as nearly equal populations as practicable

1	2
50,000 REP 25,000 DEM	60,000 REP 15,000 DEM
3	4
40,000 DEM 35,000 REP.	38,000 DEM 37,000 REP.

FIGURE A

1	2	3	4
45,000 REP 30,000 DEM	40,000 REP 35,000 DEM	50,000 REP 25,000 DEM	47,000 REP 28,000 DEM

FIGURE B

est possible number of them is known as "gerrymandering." This can sometimes be done by collecting as many voters of the minority party as possible into one district so as to make other bordering districts safe for the majority party.

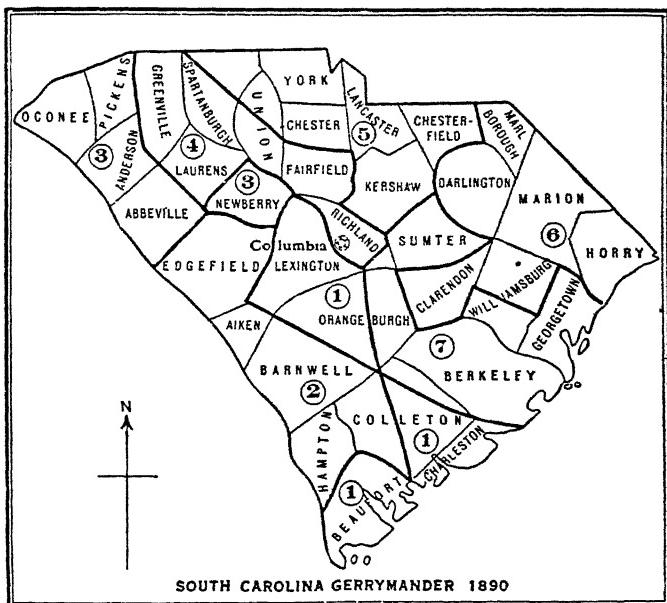
For instance, Figure A, on this page, represents a State with four congressional districts, each consisting of 75,000 voters.

In 1911 Congress amended the Act to read "contiguous and compact territory." But in 1932 the U S Supreme Court held that the 1929 Reapportionment Act does not require contiguity and compactness of territory or equality of population, and populations vary greatly. In Illinois the Fifth Congressional District in Chicago has a population of only 112,116, in contrast with the Seventh District in the same city, which has a population of 914,053, according to the 1940 census.

Gerrymandering — The scheme resorted to by an unfair legislative body to lay out congressional or other districts so as to secure a majority of voters for the party in power in the greatest

In districts 1 and 2 the Republicans have a majority whereas in districts 3 and 4 the Democrats have a majority, but in the entire State the Republicans have a majority of voters and therefore elect the majority of the members of the State legislature. This Republican State legislature redistricts the State as shown in Figure B, having gerrymandered it so that the Republicans have a majority of voters in districts 1, 2, 3, and 4.

The following map shows how the districts of South Carolina were skillfully arranged in 1890 so as to throw large blocks of the Republican Negro vote together, the populations varying from 134,000 in the first district to 217,000 in the seventh



The scheme of unfair apportionment of districts is called "gerrymandering" from Elbridge Gerry of Massachusetts. In 1812, when Gerry was governor of Massachusetts, the Republican legislature re-districted the State in such a manner that one district had a dragon-like appearance. It was indicated on a map of Massachusetts which

hung over the desk of a Federalist editor. A celebrated painter added with his pencil a head, wings, and claws, and exclaimed, "That will do for a salamander!" "Better say Gerrymander," growled the editor.



THE ORIGINAL GERRYMANDER

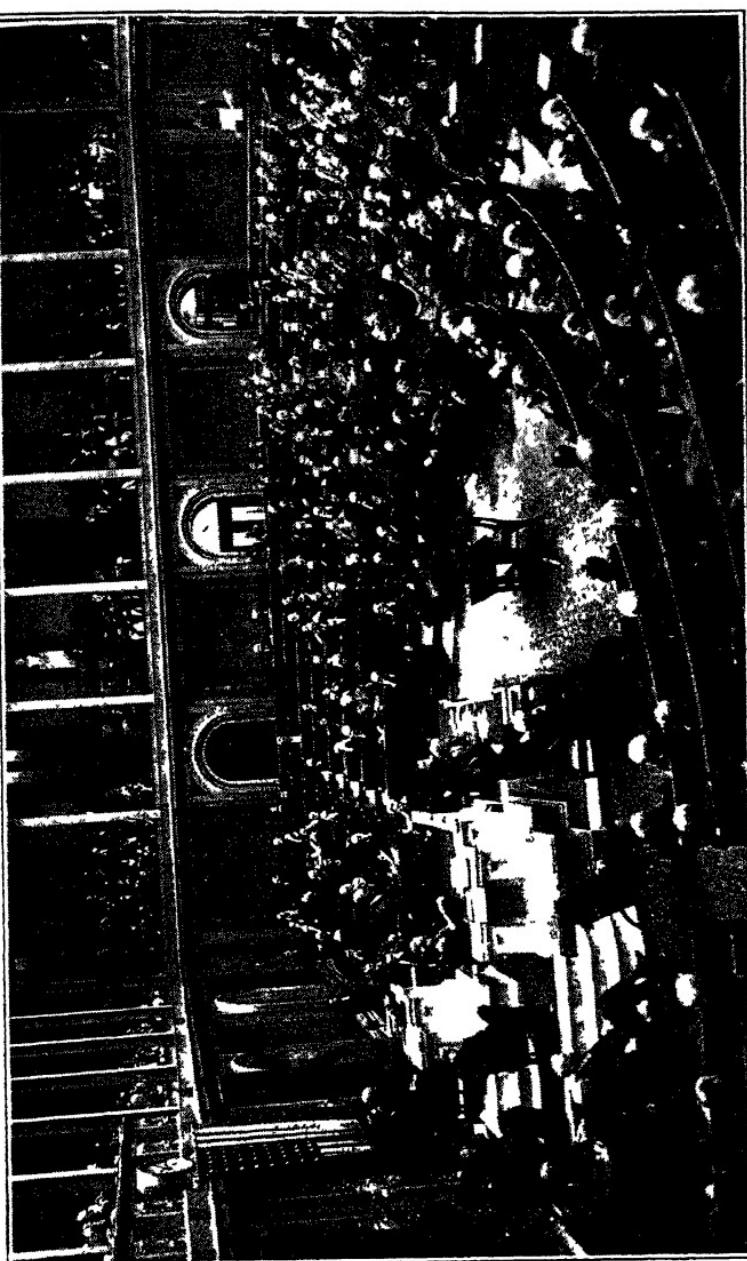
districts, though in New York City a member of Congress has been elected by a district in which he did not live. If this practice should become general there would be many more able men from whom to select congressmen.

The House is judge of the elections, returns, and qualifications of its members and has excluded persons for various reasons. For instance, in 1919 and again in 1920 a majority of the House excluded Victor L. Berger, Socialist of Wisconsin, on the ground of seditious utterances and disloyalty during the War. Two thirds of the House may expel one of its members for any reason it may think fit

¹ Ruth Bryan, daughter of William Jennings Bryan, married a British subject named Owen in 1910 and resided in England until 1919, when she and her husband returned to the United States and resided in Florida. In 1925 Ruth Bryan Owen became a naturalized citizen of the United States. In 1928 she was elected to Congress from Florida. Her election was contested on the ground that she had not been seven years a citizen just before her election. In 1930 the House Committee on Elections decided that she had been seven years a citizen, including her citizenship before her marriage. Hence she was allowed to retain her seat in the House.

Harris & Ewing

THE PRESIDENT'S MESSAGE IS BEING READ BEFORE CONGRESS



The Senate. — *Membership* — The Senate is the smaller body of Congress, and is composed of two members from each State. As there are now forty-eight States there are ninety-six senators.

Term of Senators. — Senators are chosen for a term of six years, one third of their number retiring every second year. By dividing senators into three classes in this way, the presence at any time of too many new and inexperienced members is avoided.

Election of Senators — Until the Seventeenth Amendment was ratified in 1913 senators were elected by State legislatures. Now at the regular November election of every even-numbered year, one third of the senators are elected directly by the people and are sworn into office when the new Congress assembles.¹ Each senator is elected from his State at large. All persons qualified to vote for members of the House of Representatives may vote for senators.

Qualifications of Senators — A senator may be a man or woman, at least thirty years of age, nine years a citizen of the United States, and an inhabitant of the State which sends him to Congress. The Senate, like the House, is judge of the qualifications of its members and may exclude a member by a majority vote.² Also, like the House, the Senate may expel a member for any cause by a two-thirds vote.

¹ Only one senator is elected from a State in any one year. Though when a vacancy occurs in the Senate the governor of the respective State must call a special election unless the legislature empowers him to make a temporary appointment.

² In 1912 Mr Lorimer of Illinois was excluded by a majority vote, being elected as a result of bribes paid to Illinois legislators in behalf of his election. He had been seated, although under protest, and had voted on many measures before the committee on elections could investigate. In 1928 Mr. Smith of Illinois was excluded because \$203,000 expended in his behalf in the primary election was contributed by officials of public utility corporations whose rates were regulated by the Illinois Commerce Commission, of which Mr. Smith was a member. In 1930 Mr Vare of Pennsylvania was excluded because of the expenditure of \$785,000 by his faction in the 1928

Special Functions of the Senate — The Senate performs three special or non-legislative functions, two of which are executive and the third judicial. They are as follows.

(1) The Constitution makes the approval of the Senate necessary to the validity of all appointments made by the President, unless otherwise provided. The reason for requiring the approval of the Senate was to prevent any errors or abuses of the chief executive, but in practice the senators claim the right of dictating to the President regarding appointments to such Federal offices in the States as postmasters, Federal judges, Federal attorneys, and revenue collectors.

Under the custom known as "senatorial courtesy" the Senate will usually ratify or refuse to ratify an appointment according to the recommendation of the senators from the State in which the appointee resides. If neither senator from that State is a member of the party in power, the President will confer with a representative or some politician from the State. The Senate may, by a majority vote, consider appointments in secret sessions, called "executive sessions."

(2) All treaties are made by the President with the "advice and consent" of two thirds of the Senate. For a short period after the adoption of the Constitution the advice of the Senate was asked before the President prepared a treaty, but now he merely consults with the Senate Committee on Foreign Relations and with influential members of both parties. The Senate may reject a treaty in full or may suggest amendments to it. Treaties may be considered in "executive session."¹

(3) The Senate acts as a court of impeachment to try the direct primary election, in which it is thought that stuffing ballot boxes and voting dead men worked to his advantage

¹ Previous to 1929 appointments and treaties were regularly considered in closed sessions. But a Senate rule adopted that year reads, in part. "Hereafter all business in the Senate shall be transacted in open session unless the Senate in closed session by a majority vote shall determine that a particular nomination, treaty, or other matter shall be considered in closed executive session. Provided that any senator may make public his vote in a closed executive session"

President, Vice-President, or any other high civil officer¹ A two-thirds vote of the members present is needed to sustain an impeachment This removes the guilty person from office, and may deprive him of holding any Federal office if the Senate so desires

Compensation of Congressmen. — Congressmen, unlike other officers, or employees of the government, fix their own salary, and the only limit upon the amount is the President's veto and the possibility of not being reelected Senators and representatives have always received equal salaries. Each senator and representative receives (1) a salary of \$12,500 per annum² — plus \$2500 "expense allowance" income tax exempt, (2) twenty cents a mile going and coming by the shortest route for each regular session and usually for special sessions;³ (3) publication and free distribution of speeches,⁴ (4) free postage for official business, called the "franking privilege", (5) free offices, (6) an allowance for stationery, (7) an allowance for hiring clerks, and (8) a pension at age of 62 if he has served six years

Privileges of Congressmen. — Congressmen are free from arrest during their attendance, and in going to and returning from the sessions, in all cases except treason, felony, and breach of the peace As persons are no longer imprisoned for debts the privilege is of little value

¹ Senators and representatives are not impeached, since either house can expel a member by a two-thirds vote Military officers are removed by court-martial

² The salaries of congressmen from time to time have been as follows
1789–1815, \$6 per diem while in attendance 1871–1874, \$7500 per annum
1815–1817, \$1500 per annum 1874–1907, \$5000 per annum
1817–1855, \$8 per diem 1907–1925, \$7500 per annum
1855–1866, \$3000 per annum 1925–1946, \$10,000 per annum
1866–1871, \$5000 per annum 1946– , \$12,500 plus \$2500 per annum

³ When a special session of Congress merged into a regular session Theodore Roosevelt allowed mileage for both sessions, but under like conditions Wilson denied it Congressmen have since insured their mileage for special sessions by adjourning before the regular session

⁴ Many speeches which are not actually delivered on the floor of Congress are published in the Congressional Record, of which each congressman receives sixty copies free He may obtain any number of reprints of his speech by paying the Government Printing Office the actual cost of reprinting

REVIEW

OUTLINE OF CONGRESS

MEMBERS	HOUSE OF REPRESENTATIVES 435	SENATE 96
Qualifications .	25 years of age, 7 years a citizen of the United States, inhabitant of State where elected. Other qualifications determined by the House	30 years of age, 9 years a citizen of the United States, inhabitant of State where elected. Other qualifications determined by the Senate.
Elected by .	Votes of Congressional Districts.	Votes of State.
Term .	Two years	Six years
Salary .	\$12,500 and allowances	\$12,500 and allowances
Sole Powers .	(1) To impeach civil officers (2) To originate revenue bills. (3) To elect a President if no candidate has a majority of the electoral votes.	(1) To try persons impeached. (2) To confirm appointments made by the President (3) To ratify treaties (4) To elect a Vice-President if no candidate has a majority of the electoral votes.
Convene (in regular session)	Third of January every year	Third of January every year

PRESIDING OFFICER	SPEAKER	VICE-PRESIDENT ¹ OF THE UNITED STATES CALLED "PRESIDENT OF THE SENATE"
Qualifications .	Member of House ²	The same as for President.
Elected by .	Members of the House	Presidential electors or Senate.
Term .	Two years (often re-elected).	Four years
Salary .	\$20,000	\$20,000.
Vote	The same as any other member of the House	Only in case of a tie vote.

¹ A president *pro tempore* of the Senate is elected by the Senate to preside in the absence of the Vice-President

² According to custom based on parliamentary and colonial precedents

Another privilege of congressmen is freedom of speech during debate in Congress. That is, they may not be sued for any statement made on the floor of Congress. This privilege includes the right to circulate copies of their speeches delivered in Congress. But a congressman is not privileged to defame any person in a newspaper article.

The reason for granting congressmen immunity from suit for anything they may say during debate in Congress, is to encourage them to state all the facts they know in regard to matters that vitally concern the people's welfare.

QUESTIONS ON THE TEXT

- 1 What Article of the Constitution treats of Congress? (See Appendix, pp 1-8)
- 2 Congress consists of what two houses? Each represents what?
- 3 What are the advantages of a two-body legislature?
4. When do regular sessions of Congress begin? Who may call extra sessions?
5. How is the membership of the House of Representatives determined? Of how many members does it now consist? Each represents how many people?
6. Do any States have more senators in the Senate than representatives in the House?
7. When are congressional elections held? How long is it after the election until the members take their seats? What is the term of office?
8. Explain *gerrymandering*.
9. What are the qualifications for membership in the House?
- 10 Of how many members does the Senate consist? What is the term of office?
- 11 When are senators elected? Who may vote for them? What are the qualifications for office?
- 12 By what vote of either house may a member be excluded? Expelled?
- 13 What special functions are performed by the House? The Senate?
- 14 What business of the Senate is sometimes transacted behind closed doors? Why?
- 15 What salary do congressmen receive? What other compensation do they receive?

16 What special privileges have congressmen? May a congressman defame the character of a person in a newspaper article?

PROBLEMS FOR DISCUSSION

1. Do you favor equal representation of States in the Senate? Would your answer be the same if you lived in New York? In Nevada?

2 The number of any Congress can be determined by subtracting 1789 (the year the 1st Congress met) from the year in which the Congress of which the number is desired ends, and dividing the remainder by 2, because a Congress lasts two years It always ends in an odd-numbered year. What number Congress is now in session?

3 How many women are now in Congress? (See World Almanac or United States Government Manual) Give arguments for and against electing them.



(C) Harris & Ewing

BARUCH BEFORE THE SENATE MILITARY AFFAIRS COMMITTEE

Attentive listeners are Representatives Frances P. Bolton of Ohio and Clare Boothe Luce of Connecticut

4 How are the political parties represented at present in the Senate and in the House of Representatives?

5 Is your State gerrymandered?

6 To how many representatives is your State entitled?

7 In what congressional district do you live? Who is your representative? How long has he been in Congress? What party does he represent? (See Congressional Directory or World Almanac) What stand has he taken in regard to important legislation recently before Congress? (See Congressional Record)

8. Discuss in regard to your senators the same matters that you have considered in regard to your representative

9. Do you think congressmen should respond to public opinion or should they investigate, debate, and decide according to personal convictions?

10. The United States Constitution provides that no State, without its consent, shall be deprived of equal representation in the Senate (See Article V.) Would you favor an amendment to the Constitution providing that any measure rejected by the Senate might still become law if repassed by the House after such rejection? Would such an amendment be just to States that joined the Union because they were guaranteed equal representation in the Senate?

New York State has 45 representatives in the House and the seven States farthest west have a total of only forty representatives. If the House could override the Senate, New York could nullify the total votes of these seven States, which constitute a fourth of the area of the United States. Would that promote the strength of the Union? Or is it better for the seven States to be able to block the one in the Senate and the one to block the seven in the House?

11. Members of the House of Commons in England receive a salary equivalent to \$4000 a year; those of the House of Representatives in the United States, practically \$15,000. Which members are more likely to voice the will of the people?

12. Men of eminent ability in the United States engaged in other professions and commercial pursuits earn much more than we pay the members of the House of Representatives. What are the advantages and disadvantages of a high salary for a legislator?

13. A Super-Senate Plan was once suggested by Frank A. Vanderlip. He suggested that a constitutional amendment create a new arm of the government, with about thirty members chosen at large for terms of ten years, three members retiring every year. Half of the members would sit continuously in Washington, and the other half would be abroad carrying America's good-will and obtaining good-will for us. This would build an intelligent body to deal with foreign affairs. This plan would take the treaty power from the Senate, but the President's relations to foreign affairs would remain unchanged. He would initiate treaties, appoint the Secretary of State, and appoint ambassadors and ministers. Their confirmation would lie in the hands of the Super-Senate. What arguments can you advance for or against this suggestion?

14. "It is an absurdity that we can make war by a majority vote of Congress but that it should take a two-thirds vote of the Senate to make peace."

"The Executive and not the Senate should have the treaty-making power and he should not be embarrassed by having to obtain for ratification

fication two thirds of the Senate. As the law rests, the President may have a party majority with him, and yet be unable to carry out the mandate to govern which the people gave him. The Senate itself should inaugurate the change, for surely it should be content with a majority rule. This single change in our machinery of government would go far towards removing the menace of being regarded as a nation apart from the rest of the world." — Colonel Edward M. House.

Why do you favor or oppose this proposed constitutional change?

15. The United Nations Organization is an improvement over the League of Nations, but it is still merely a loose confederation operating largely by unanimous consent. Ely Culbertson and many eminent jurists and scientists advocate a world federation with a legislative body of limited powers and an international police force which alone would be allowed to have atomic bombs, bombers, large tanks, and submarines. Do you favor it? Why?

16. Popularity is the only requisite for Congressmen except citizenship, age, and residence within the State. Do you consider this a sufficient requisite for such an important position? Would you favor an educational requirement? If so, how extensive? Should State universities offer a degree in Public Affairs which would prepare graduates for public service as well as teaching government or writing? Should the university offer courses leading to different branches of governmental service? Should there be a graduate university in Washington supported by the Government? If so, should Congressmen be allowed to appoint students to attend without cost, as at West Point and at Annapolis?

17. Would the Senate be improved if such groups as University Professors, Bar Association, Chamber of Commerce, A. F. of L., C.I.O., Farm Bureau, Farm Grange, Catholic Church, Federal Council of Churches, each elect one senator in addition to the existing 96 members?

18. Would a four-year term for House members induce more outstanding candidates to run for office?

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CHAPTER VI

EXPRESSED AND IMPLIED POWERS OF CONGRESS

Interpretation of the Constitution.—When our thirteen States united to form the United States of America they limited Congress to certain expressed powers enumerated in the Constitution, and to those “necessary and proper” to carry the expressed powers into execution. Persons who favor strong State governments and a weak National government would restrict the powers of Congress to the bare letter of the Constitution, while those who favor a strong National government would interpret these powers liberally, thus increasing the legislative powers of Congress.

Fortunately for the National government Chief Justice Marshall, who dominated the Supreme Court during the formative period of our government (1800–1835), gave a *liberal construction* to the Constitution, thereby permitting Congress to do many things which Jefferson and other *strict constructionists* would have reserved for the States. Such men as Washington, Hamilton, Lincoln, and both Roosevelts have favored a liberal construction, believing that the government of the United States can govern more efficiently and with less annoyance to the people than the numerous States whose different laws often conflict.

I EXPRESSED POWERS

Expressed Powers Interpreted.—The expressed powers of Congress are enumerated very briefly; and without courts to decide exactly what they mean and what they include, Congress would often be tempted to exceed its authority. To illustrate, the Constitution (Art I, Sec 8, Cl 3) provides that “Congress

shall have power to regulate commerce with foreign nations and among the several States, and with the Indian tribes." These words are very general, and Federal courts have decided more than 2000 cases in explanation of them, and several hundred of these cases have been appealed and decided and supported by lengthy opinions of the Supreme Court of the United States.

The Power to Tax and the Power to Regulate Interstate Commerce are the two most important expressed powers of Congress. In fact, they are so important and require so much space and time to do justice to them that a separate chapter is given for each of them. These chapters follow immediately after this one.

Power to Make Money. — Congress has power to coin money and issue paper money, but the States are forbidden to do either¹

Before the Revolutionary War the English shilling was the recognized unit of value, and the restraining hand of the Mother Country kept issues of depreciated paper money within bounds. But when the States became independent of the Mother Country the radical legislatures of certain States printed the States' names on paper and called it money² As always happens, bad

¹ The Constitution forbids the States to coin money, emit bills of credit (paper money), or make anything but gold and silver coin a tender in the payment of debts. Congress can make coins or paper money legal tender.

² The Rhode Island Legislature of 1786 issued a large amount of paper money, and in six months a dollar was passing for 16 cents. John Fiske thus describes the situation "The farmers from the inland towns were unanimous in support of the measure. They could not see the difference between the State making a dollar out of paper and a dollar out of silver. The idea that the value did not lie in the government stamp they dismissed as an idle crotchet, a wire-drawn theory, worthy only of 'literary fellows.' What they could see was the glaring fact that they had no money, hard or soft, and they wanted something that would satisfy their creditors and buy new gowns for their wives, whose raiment was unquestionably the worse for wear. On the other hand, the merchants from Providence, Newport, and Bristol understood the difference between real money and the promissory notes of a bankrupt government, because they had to pay real money to European firms from whom they bought their stocks of goods."

The penalty for not accepting this paper money in payment for goods,

money drove good money from circulation, and each State had paper money of an uncertain and declining value. This variety of money made local business uncertain and interstate business intolerable.

Because of these conditions the makers of the Constitution gave Congress the exclusive right to coin money, and the United States Supreme Court has given it the right to issue paper money, as implied in its power to borrow.

Power to Borrow Money. — The Constitution gives Congress power to "borrow money on the credit of the United States." When there are unusual undertakings, like the Panama Canal, World War, or relief for unemployed, the usual revenues are not adequate and Congress borrows money. The ordinary method employed by the government for borrowing money is the sale of bonds.¹ Bonds which are used by governments and corporations when they borrow money are like promissory notes given by individuals when they borrow money — a promise to pay a certain sum at a specified time. The United States has been able to issue long-term bonds at a rate of interest as low as 2 per cent.

The most popular bond for young people is the Series E *United States Savings Bond*, often called "baby bond" or "war bond," which is on sale at post offices and banks. You may buy one of these bonds for as little as \$18 75 and as much as \$750. In 10 years an \$18 75 bond is worth \$25 and a \$750 bond is worth \$1000 because interest of 2 9% compounded semi-annually accumulates if left the full ten years. This is the highest rate of

or debts was a fine of \$500 and the loss of suffrage. When a merchant refused to accept the paper the matter came to court, and the Act was declared contrary to the State constitution and hence void. A special session of the legislature dismissed the judges, but their decision remained.

While the Rhode Island Legislature was attempting to force merchants to accept a 16-cent dollar for 100 cents' worth of goods the State was given the nickname of Rogues' Island.

¹ There are three forms of bonds — savings, coupon, and registered. Savings bonds accumulate 2 9% or 2 53% interest compounded semi-annually, which is paid along with the principal at the end of 10 or 12 years. A twenty-year coupon bond has attached to the bottom forty small engraved coupons.

interest paid on any Federal Government bond now issued, and no person may buy in any one year more than five of the \$750 bonds. These bonds can be cashed any time after the first 60 days, but without any interest if cashed the first year. (For United States Savings Stamps see Chapter XIV.)

The right to borrow also implies the right to issue legal tender paper money. During the Civil War Congress issued paper money called "Greenbacks" which were really non-interest bearing notes. This issue amounted to a forced loan.

The constitutional right to borrow makes borrowing a Federal function, hence Federal bonds cannot be taxed by the States. The right to borrow also implies the right to establish National Banks to assist the government in securing loans.

Bankruptcy.—Bankruptcy laws provide for the distribution of a debtor's assets among his creditors when he is unable to discharge his obligations in full, and for the discharge of the debtor from further legal liability for debts incurred prior to the commencement of bankruptcy proceedings.

A bankrupt is allowed to keep certain kinds of property (depending upon State law), such as tools or a limited amount of land, in order to enable him to support his family.

The Federal Bankruptcy Act provides for voluntary and for involuntary bankruptcy (1) natural persons or corporations who voluntarily institute bankruptcy proceedings, and (2) natural persons or corporations who, owing debts amounting to \$1000 or over, may be forced into bankruptcy proceedings by action of their creditors. Any natural person, and any corporation except a bank, a building and loan association, a railroad, and every six months the owner cuts one coupon which represents his semi-annual interest, and has it cashed at the bank as he would an ordinary check. Holders of registered bonds receive their interest by checks. A lost registered bond can be replaced if two responsible persons insure the U S against loss. A lost coupon bond may be paid *after maturity* if an approved corporate surety insures the U S against loss.

The U S Treasury usually calls its bonds treasury certificates or notes or bills as evidence of indebtedness when it needs money for a short time. Recently it has obtained such loans at interest rates as low as $\frac{1}{2}$ of 1%.

an insurance company, or a municipal corporation, may institute voluntary bankruptcy proceedings. Involuntary proceedings may be commenced against any natural person except farmers and wage-earners, and against any corporations except the five just listed as also excluded from voluntary bankruptcy.

Under certain conditions the 1934 and 1938 Bankruptcy Acts enable corporations and individuals to have their debts adjusted downward so that they can make payment in regular installments without the stigma of bankruptcy.¹

Over bankruptcy the States and Federal government have concurrent powers. During most of the nineteenth century bankruptcy was left to the States. Since the Federal Bankruptcy Act of 1938 covers the entire country, bankruptcy cases are usually handled by a United States District Court. But State bankruptcy (or "insolvency") laws are not suspended if they do not conflict with Acts of Congress. Hence State courts might handle bankruptcies of less than \$1000, of farmers, or of certain kinds of corporations not included in the Federal Act.

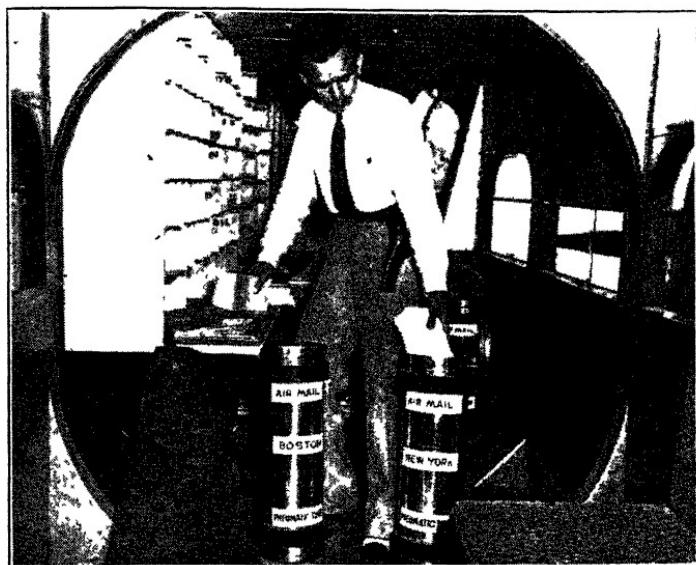
Naturalization. — Naturalization is the process by which citizens of one country become citizens of another, and Congress has the power "to establish a uniform rule of naturalization." Under the immigration laws certain persons are not allowed to enter the United States, and naturally such persons are not permitted to become naturalized. This applies to Orientals except the Chinese, Filipinos, and Indians. The Japanese, the Burmese, and other Orientals are thus refused naturalization.

Postal Service. — Congress has power to establish post offices and post roads.² The government may condemn land for post-office sites and could condemn it for post roads should it become

¹ The 1938 Bankruptcy Act makes the Security and Exchange Commission an advisory agent of the court when corporations are being reorganized. This guarantees small stockholders and bondholders of a corporation as well as creditors that expert advice of a competent public authority will assist the courts in the interest of the many investors.

² "Post roads" are all letter carrier routes, including railroads and the waters of the United States during the time that mail is carried thereon.

necessary. Of course a fair price must be paid the owner for his property. A State is not permitted to establish a postal system, nor is an individual. For instance, express companies could not make a business of carrying first-class mail.



A FLYING POST OFFICE

Under its power to establish post roads, Congress has made it a criminal offense to obstruct or retard the passage of mails "knowingly and willfully." Examples of this crime are beating an engineer and firemen without whose services the train could not be moved, and placing obstructions on the track of an electric railway engaged in carrying the mails. Thus the criminals have committed a Federal offense as well as a State offense. It is illegal for railroad strikers to interfere with trains carrying mail; and following the Pullman strike in Chicago, in 1894, Eugene Debs was sent to the Federal penitentiary because he persuaded the strikers not to move the trains.

States are not allowed to interfere unreasonably with the mails. A State cannot require mail trains to make unreasonable stops. Neither can it require a license for cars owned by the U. S. Government, nor tax gasoline bought by it for use in mail trucks. But those who contract to carry mail may be taxed. And the United States does not protect those who use the mails to defeat the police regulations of the State made to protect the health, morals, safety, and welfare of its citizens. Thus a State can forbid the soliciting of orders for intoxicating liquor, even through the mails. Nor does the United States protect carriers when they endanger the public. For instance, a mail carrier may be arrested, while on his route, for murder; and a city might arrest and punish a mail carrier for driving recklessly through crowded streets in such a way as to endanger the lives of pedestrians.

Copyrights and Patents. — Congress has the power "to promote the progress of science and of useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries "

A Copyright is the exclusive right to an author or his assignee to print and publish his literary or artistic work. The protection is granted by the government for a period of twenty-eight years; renewable for another twenty-eight years. The right extends to maps, charts, engravings, sculpture, dramatic or musical compositions, and pictures, as well as books. In 1912 the Supreme Court decided that moving pictures of *Ben Hur*, a copyrighted book, was a dramatization, and hence an infringement of the copyright.

A Patent is a grant of the exclusive right to manufacture, use, or sell a new and useful invention for a period of years — 17 at present for a patent of invention. The term may be extended only by special Act of Congress.

Weights and Measures. — Congress has established the pound, gallon, bushel, yard, and their subdivisions as standards of weights and measures, and has made the metric system

optional. The basic standards of these, by which all other measures throughout the United States are tested and corrected, are deposited in the Bureau of Standards.

In 1901 Congress established the Bureau of Standards, which has grown wonderfully in size, scope of work, and importance.



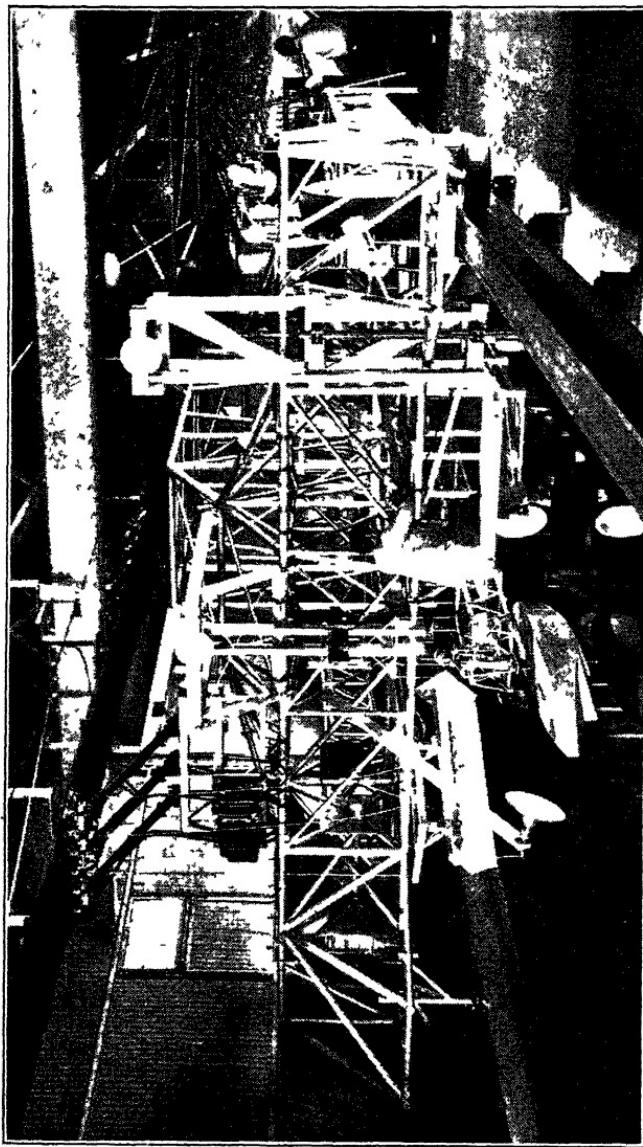
Courtesy National Bureau of Standards

TESTING THE DURABILITY OF HOSE

It determines the measures of our groceries, the specifications of the doctor's thermometer, and the formulas of the druggist's prescription. Its machines weigh the crossing of the letter "t" with a pencil mark, and the strength of the concrete, brick, and steel for construction purposes. It contains the famous Riefler clock which is true to the fifth of a second a month. It tests and corrects surveyors' tapes.

The Bureau of Standards does not act as an agency of compulsion, but as an agency of service. For instance, it encourages the standardization of such things as bolts that will fit machines of all makes, and of different sizes of bed springs and mattresses to make them fit the corresponding sizes of beds.

Judicial Powers. — Congress has power to establish Federal courts, to define and punish piracy on the high seas, to define



© Harris & Ewing

80-MILES-AN-HOUR TOWING CARRIAGE IN THE BUREAU OF STANDARDS HALF-MILE TANK
A model of a flying-boat hull is mounted ready to be tested for the Navy Department.

and punish offenses against the law of nations, and to punish counterfeiters of Federal money and securities.

Power over Federal Districts. — Congress has power to legislate for territories of the United States, the District of Columbia, forts, dockyards. National parks, and so on.

The Federal government can acquire necessary property by right of eminent domain¹ within any State. With the consent of the State legislature Congress may assume Federal jurisdiction over such area. Then the Federal laws and courts largely replace the State laws and courts. For instance, a civilian committing robbery in the West Point Military Reservation cannot be convicted in the State court — only in the Federal court.

When Congress assumed jurisdiction over the Shenandoah National Park, it reserved to Virginia the right to tax gasoline and other private property within the park, and for its officers to arrest fugitives from Virginia justice.

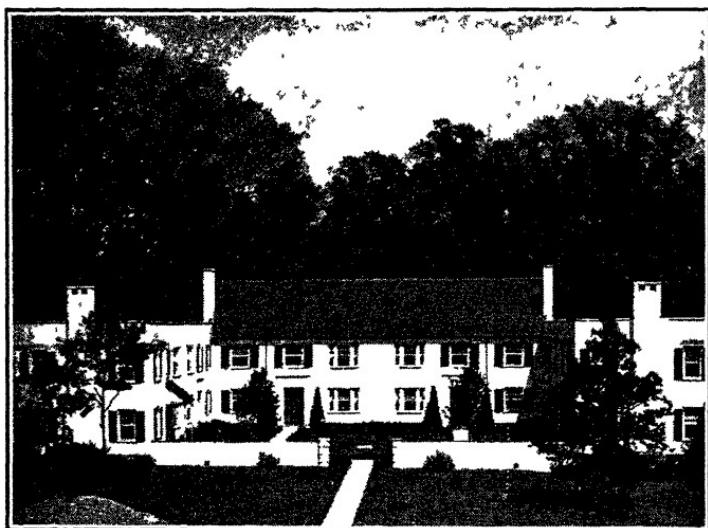
War Powers. — Congress has power to declare war, to grant letters of marque and reprisal, to make rules concerning captures on land and water, to raise and support armies, to provide and maintain a navy, to make laws governing land and naval forces, to provide for calling out the militia, and to provide for organizing, arming, and disciplining the militia.

II IMPLIED POWERS

The Elastic Clause. — The last clause of Article I, Section 8, of the Constitution, known as the “elastic clause,” or the “necessary and proper clause,” gives Congress power “to make all laws which shall be necessary and proper for carrying into execution the foregoing (expressed) powers.” Chief Justice Marshall decided that “necessary and proper” means “convenient or useful.” Therefore, Marshall concluded that this

¹ The right of eminent domain is the right that a government exercises in taking private property for a public purpose by paying the owner a fair price for it.

"necessary and proper" clause *implies* that Congress might pass any laws which are "convenient or useful" in carrying into execution those laws which Congress has a specific, undisputed right to enact



THE UNITED STATES GOVERNMENT ENCOURAGES APARTMENTS

The President and Congress do what they consider necessary or proper and create the Federal Housing Administration to encourage the building of low-rent houses.

Subsequent Supreme Court judges have construed the "necessary and proper clause" very liberally, they have practically changed the "and" in "necessary and proper" to "or," so that the Constitution really reads "necessary or proper." With this clause thus interpreted Congress has been able to exercise wider and wider powers

The original Constitution gave the United States express power to punish only four crimes — counterfeiting, felonies committed on the high seas, offenses against the law of nations, and treason; but other laws that Congress has express power to

enact would be worthless if it could not punish the breaking of them, therefore Congress has the *implied* right to punish all crimes against the United States.

The Constitution does not specifically allow Congress to charter a National bank, but the Supreme Court of the United States decided that the right is *implied* in the power to collect taxes and to borrow money. State banks were not carefully managed and a National bank was "convenient and useful" for the safe-keeping of the taxes collected.

The Constitution does not expressly provide for river and harbor improvements or the building of canals, but the power is *implied* from the expressed power to maintain a navy and regulate commerce.

The power of eminent domain is not expressly granted to the United States, but the expressed powers to establish post offices and to establish courts *implies* the necessity of post office buildings and court houses, therefore the United States can condemn land for these purposes by the right of eminent domain.

If our Constitution could be more easily amended, the meaning of its clauses need not be "stretched" to meet new conditions, but most of the *implied* powers would become *expressed* powers through Constitutional amendments.

OUTLINE OF THE EIGHTEEN POWERS VESTED IN CONGRESS
BY ARTICLE I, SECTION 8

Expressed Powers:

I PEACE POWERS

1. To lay taxes.
 - a. Direct (not used since the Civil War, except income tax).
 - b. Indirect.
Customs = Tariff.
Excises = Internal revenue
2. To borrow money
3. To regulate foreign and interstate commerce.
4. To establish naturalization and bankruptcy laws.
5. To coin money and regulate its value; to regulate weights and measures.

DIVISION OF POWERS BETWEEN THE NATIONAL GOVERNMENT AND THE STATES

POWERS OF GOVERNMENT	
FEDERAL ¹	{ Expressed ² — (Article I, Section 8, Clauses 1-17; Amendment 16) Implied ³ — (Article I, Section 8, Clause 18) Denied — (Article I, Section 9, Amendments 1-11; 13)
CONCURRENT ⁴	(Examples: taxation, eminent domain)

STATE	{ Reserved ⁵ — (Amendment 10) — Example: police powers — Health Morals Safety Welfare Denied — (Article I, Section 10; Amendments 13-15, 18, 19)
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¹ The terms "national" and "delegated" mean the same as "federal" in this connection.

² The term "enumerated" (numbered) means the same as "expressed" in this connection.

³ The term "resultant power" is used when a power is not clearly implied from any one "expressed power" but results from several expressed powers. The term "inherent in sovereignty" is sometimes used for powers neither clearly expressed nor clearly implied but necessarily belonging to a sovereign state. Recognizing new sovereign states and deporting aliens are examples of powers inherent in sovereignty.

⁴ The term "concurrent power" means one which may be exercised by either the Federal government or the State government or both.

⁵ The term "residual" is often used in the sense of "reserved."

- 6 To punish counterfeiters of Federal money and securities.
7. To establish post offices and post roads.
- 8 To grant patents and copyrights
- 9 To create courts inferior to the Supreme Court
10. To define and punish piracies and felonies on the high seas; to define and punish offenses against the law of nations.
- 11 To exercise exclusive jurisdiction over the District of Columbia; to exercise exclusive jurisdiction over forts, dockyards, National parks, Federal buildings, etc.

II WAR POWERS

- 12 To declare war; to grant letters of marque and reprisal; to make rules concerning captures on land and water
- 13 To raise and support armies
- 14 To provide and maintain a navy
- 15 To make laws governing land and naval forces
- 16 To provide for calling forth the militia to execute Federal laws, suppress insurrections, and repel invasions.
- 17 To provide for organizing, arming, and disciplining the militia, and for governing it when in the service of the Union.

Implied Powers:

- 18 To make all laws necessary and proper for carrying into execution the foregoing powers
For example — To punish the breaking of Federal law.
To establish National banks
To improve rivers, harbors, and canals.
To condemn property by eminent domain.

QUESTIONS ON THE TEXT

1. In what Article and Section of the Constitution are most of the *expressed* powers of Congress enumerated?
- 2 Upon what clause of this Section is the theory of *implied* powers based?
- 3 What two general views are there as to the proper method of construing the Constitution?
4. Name some statesmen who have favored a liberal construction of the Constitution
- 5 Name one or more strict constructionists
6. What are the two most important expressed powers of Congress?
7. May a State coin money or issue paper money?
8. Why was Congress given the exclusive right to coin money?

9. How did Congress get its right to issue paper money?
10. What experience did Rhode Island have with paper money shortly before the Constitutional Convention drafted the Constitution?
11. Under what constitutional power did Congress issue "Greenbacks"?
12. What three kinds of bonds are there? How do they differ?
13. Under what circumstances are treasury certificates issued?
14. What is meant by *bankruptcy laws*? What two kinds are there? To whom does each kind apply? If State and Federal bankruptcy laws conflict, which will prevail?
15. What does *naturalization* mean? Who may not be naturalized in the United States?
16. What is meant by post roads? How may the United States acquire sites for post offices?
17. Is it a crime to retard the mails? Have States and cities any right to interfere with the mails?
18. What is a *copyright*? A *patent*? For how many years does each protect the author or inventor?
19. Under what power of Congress was the Bureau of Standards created? What are its functions?
20. What war powers has Congress?
21. What determines whether the Federal courts have jurisdiction over offenses committed in forts or other United States properties?
22. What is meant by *implied powers*? Give examples.
23. What is meant by the *elastic clause*? What other name is given to this clause?
24. Name a synonym for each of the following words: Federal. Expressed. Implied. Reserved

PROBLEMS FOR DISCUSSION

1. The English Parliament has power to do "anything but make a man a woman or a woman a man." Why has Congress only about eighteen enumerated powers and those necessary and proper to carry the enumerated powers into execution?
2. Do you favor a "liberal construction" or a "strict construction" of the Constitution? Why?
3. Would the commercial progress in our forty-eight States be promoted or retarded if each State had its own monetary system? Will the commercial progress of the world be promoted by the International Bank for Reconstruction and Development and the International Monetary Fund? Explain (See page 705)

4 Would the foreign trade of the United States be promoted if we should adopt the metric system of weights and measures, which is the system used in Latin America and in much of the rest of the world?

5. Recently the U S Government has borrowed money for short periods at rates of interest as low as $\frac{1}{2}$ per cent per annum. At the same time most governments had to pay 4 per cent, 5 per cent, or 6 per cent; and many could not borrow at all. How do you account for this difference?

6 A century ago it was discovered in Pennsylvania that the annual cost of supporting debtors in prison was greater than the total debts they owed. To-day one who is unable to pay his creditors may, through bankruptcy, be released from his debts. Which is the more just, debtors' prisons or bankruptcy?

7. Why do many men who owe more than the value of their property refuse to apply for voluntary bankruptcy?

8. Would you favor a constitutional amendment giving Congress power to regulate marriage? Divorce? All large corporations?

9 A patent gives a person a monopoly. Socialists claim that anybody should be permitted to manufacture a patented article who will pay the patentee a uniform royalty determined by the government. Advance arguments for and against this claim.

10. An Act of Congress protects copyrighted music against broadcast without consent of the copyright owner (usually involving royalty); and permits the owner to exact a royalty for mechanical reproductions such as phonograph records. To protect their copyrights on music the American Society of Composers and Publishers (ASCAP) was formed, which collects royalties from broadcasting companies for the use of the music of its members. The broadcasters organized the Broadcast Music Incorporated (BMI) to break the ASCAP monopoly. Do you think Congress was wise to extend the copyright to include broadcasting?

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CHAPTER VII

THE TAXING POWERS OF CONGRESS

Taxation. — The power conferred upon Congress to levy and collect its own revenues is almost absolute, except (1) that no duties may be levied upon exports, and (2) that there are three expressed and two implied limitations

Export Taxes Prohibited. — The reason for the Constitutional prohibition against the export tax is plain. Suppose Congress could levy an export tax on cotton amounting to five cents a pound. The English buyers of cotton would pay to the American growers no more than to those of other countries. Therefore, in order to compete, the American grower would have the tax to pay.

Taxes Must Be for the General Welfare. — The Constitution gives Congress power to collect taxes for the general welfare. And President Jackson vetoed a bill appropriating money for a National highway from Washington City westward, claiming that it would not serve all parts of the country and would therefore not be for the "general welfare." However, Congress has recently paid for an elaborate boulevard through Virginia from Washington City to Mount Vernon. "General welfare" now means little more than public welfare.

The Supreme Court has commonly held that Federal taxes can be spent only for purposes named or implied in the Constitution. But in the 1936 AAA case the court announced that Congress may appropriate tax money for welfare purposes under its power to collect taxes for the general welfare (Art. 1, Sec. 8), even if not authorized by other clauses of the Constitution.

Direct Taxes, except the Income Tax, Must Be Apportioned among the States on the Basis of Population. — Taxes which are

POWERS OF FEDERAL TAXATION

Except an Export Tax	Taxes must be for the general welfare but Subject to 3 expressed Limitations	Capitation tax Direct taxes (except the income tax) must be apportioned among the States on the basis of population Indirect taxes must be uniform throughout the U. S.	Capitation tax Land tax Excise tax Customs tax
Congress May Levy Every Kind of Tax	and	Congress does not now tax the instrumentalities of States or their subdivisions, unless engaged in non-governmental functions ¹	States Counties Districts Cities Towns
	Subject to 2 implied Limitations	Congress may be denied the right to tax merely for the purpose of regulation if the Act clearly shows on its face that it was not intended for revenue, ²	20 cents a bushel on contracts for the sale of grain for future delivery 10% on annual net profits of factories, etc employing children

¹ States do have to pay tariff on imports. The University of Illinois claimed tariff exemption on scientific material imported for its laboratories; but in 1934 the Supreme Court unanimously upheld the right of Congress to impose this tariff because it has power to regulate foreign commerce.

² Protective tariff rates have so far never been declared void because so high that they exclude and hence produce no revenue. The power of Congress in respect to tariff is strengthened by its power to regulate foreign commerce.

actually borne by the person upon whom they are imposed, such as capitation taxes and taxes on land and buildings, are direct taxes. Such taxes have been levied by the United States Government only in case of war emergency — five times in all. The United States Government has not levied a direct tax outside the District of Columbia since the Civil War, except an income tax which need not be in proportion to population since the adoption of the Sixteenth Amendment to the Constitution of the United States.

Since wealth is not equally distributed among the States, a direct tax which must be levied in proportion to population would be unjust to certain States.

The Federal Income Tax is expressly permitted by the Sixteenth Amendment. Congress varies the rate according to the needs of the Government. The tax has always been progressive; that is, the greater one's net income the higher the rate.

The income tax rate effective in 1946 varies from 19 per cent on the first \$2000 of net income to about 86 per cent on the amount of income in excess of \$200,000. The law gives an exemption from the tax of \$500 for a single person, at least \$1000 for a married couple,¹ and \$500 for each dependent son or daughter or other relative listed in the law (regardless of age) who has not received \$500, and more than half of whose support has been paid by the taxpayer.²

Business expenses, including interest on debts, and taxes, are deducted. Medical expenses, including health and accident premiums, in excess of 5 per cent of adjusted gross income (gross income minus business deductions) are deducted, and also contributions (up to 15% of adjusted gross income) to religious, charitable, scientific, literary, or educational institutions

¹ If the wife has independent income she is permitted to make a separate report, and she and her husband may each take a \$500 exemption.

² Members of our armed forces are not taxed on the first \$1500 of gross income. In addition they have the \$500 exemption for self, and \$500 for wife and for each dependent son or daughter or other relative listed in the law.

The "pay-as-you-go" plan for paying income taxes requires employers to withhold¹ from the pay check the estimated amount of income tax that the employee would normally pay, taking into account his marital status and number of dependents.

The annual Withholding Receipt furnished by the employer may be mailed to the Collector of Internal Revenue as one's report if his wages are less than \$5000 and he has no other income exceeding \$100. The Collector will figure his tax and send him a bill or refund. The taxpayer has the privilege of filing a more elaborate form (Form 1040) if advantageous because he has deductions for such things as interest or property taxes paid.

If the income from wages is over \$5000 a year or the taxpayer has \$100 or more other income, he must file an estimate of his year's tax liability by March 15th and pay at least one fourth of the estimated tax. He may correct his estimate when he makes any of his other quarterly payments. The last payment must be made on Form 1040 by January 15th of the following year. Farmers are not required to make a preliminary statement, but must make a report with payment by January 15th, after having had time to harvest and market their crops.

On March 15 everybody with an income \$500 or more, except farmers, must make a report (unless included in husband's or wife's) and pay taxes due, or claim refund on overpayment.

Income Tax of Corporations — A corporation is a company owned by stockholders, and all earned above the expenses of the business is known as net income. On this net income a progressive tax runs as high as 38% on all earnings above \$50,000.

Indirect Taxes Must Be Uniform throughout the United States. — Indirect taxes are those that can be shifted from the person who pays them to other persons, and are therefore indirectly paid by the consumers as a part of the market price. The excise tax on cigarettes and the customs tax on imports are two good examples of indirect taxes.

The constitutional requirement that indirect taxes must be

¹ Not withheld from preachers, farm workers, servants, or casual workers.

uniform throughout the United States means that these taxes must be the same on the same commodities in all parts of the country To illustrate, the Federal excise tax on the manufacture of tobacco, playing cards, or oleomargarine must be the same in New York as it is in New Mexico The import duty on cut diamonds, which is now 10 per cent *ad valorem*, must be the same at the port of New York as it is at the port of New Orleans.

Excises, popularly known as internal revenue duties, are taxes on commodities produced or services performed in the United States The producer pays the tax, but usually passes it on to the consumer As evidence of payment a revenue stamp is stuck on such commodities as cigarettes, playing cards, and alcoholic drinks The Federal Government taxes many non-essentials, but not food, housing, or basic clothes.

Customs, popularly known as tariff duties, are taxes on commodities imported from foreign countries The most recent tariff act is that of 1930, but it has been amended frequently The rates vary on different articles, now being as high as 80 per cent on many Articles entering the United States without tariff are said to be on the "free list"—*e.g.*, Bibles, raw silk, coffee, bananas, and agricultural implements Articles taxed at a low rate are said to be taxed "for revenue only"—*e.g.*, diamonds, chamois skins, and raw hair Articles taxed at a high rate are said to be taxed "for protection"—*e.g.*, sugar at 17 cents a pound, tomatoes at 3 cents a pound, beef at 6 cents a pound, eggs at 10 cents a dozen, wool at from 24 to 37 cents a pound, wheat at 42 cents a bushel, shoes at 20 per cent of their value, silk at 60 per cent, knit rayon wear at 45 cents per pound plus 60 per cent of their value, and jewelry at 80 per cent Obscene literature or literature advocating forceful resistance to any law of the United States is excluded

The tax is often so high that certain articles are not shipped into this country at all. Then, of course, no revenue is collected, but the manufacturer of the articles in this country can charge

more for these articles than otherwise, since foreign competition is removed. The tax is "for protection" to home industry.

A traveler may bring into the country without tax articles acquired abroad for personal or household use to the value of \$100



CUSTOMS INSPECTION

Being a soldier does not exempt a man from undergoing inspection like any ordinary tourist

*The United States Tariff Commission*¹ was created in 1916 to investigate the difference in cost of production here and abroad so as to determine the effects of the customs laws of the United States on industry. This information was supposed to prevent the log-rolling method of framing tariff laws; but when the last general tariff law was enacted in 1930 the old methods of

¹ The Commission is composed of six members appointed by the President and Senate. Not more than three of the six may be of the same political party.

log-rolling were not greatly modified. However, the information collected by the Commission is of value to Congress, to the President, and during time of war to the various war agencies (See "Tariff Reciprocity" in Chapter XI)

*The Estate (Inheritance) Tax*¹ varies from 3 per cent on a net estate not exceeding \$5000 to 77 per cent on that portion of a net estate in excess of \$10,000,000 "Net estate" means what remains after the payment of debts, bequests to governmental, religious, charitable, and educational institutions, the cost of settling the estate, and an exemption of \$60,000. The exemption does not apply if the deceased was not a resident or citizen of the United States² at the time of death

An estate or inheritance tax (or both) is usually paid to a State, and for this a partial credit is allowed on the Federal estate tax, usually amounting to less than one third of the Federal tax

The estate tax has been held by the Supreme Court to be an indirect excise tax because it is a tax on the *privilege* of bequeathing. If government did not protect the property of the deceased it could be seized by the strong man of the community

A Gift Tax (about $\frac{3}{4}$ as high as the estate tax) prevents evasion of the estate tax by gifts before death, but charity, or total gifts of \$30,000, plus \$3000 annually to each individual, are exempt

Congress Does Not Tax the Instrumentalities of States unless Engaged in Non-Governmental Functions. — Because the power to tax is the power to destroy, the Supreme Court forbade the United States to tax the real estate, bonds, or other governmental machinery of the States, counties, districts, cities, or towns; and likewise forbade the States and local governments to tax the United States

¹ The tax upon the estate of one who dies might be levied upon the entire net estate before it is divided, and that is an "estate tax," or the tax might be levied upon the portion inherited by each heir, and that is an "inheritance tax." The present Federal tax is an *estate tax*. Most States have *inheritance taxes*. Some States have both an estate tax and an inheritance tax

² If a non-resident alien dies owning property in the United States, it is taxed even if less than \$60,000.

By non-governmental functions are meant those not necessarily or ordinarily engaged in by a State or its subdivisions. These functions are therefore considered in competition with private businesses and may be taxed. For example, in 1893 South Carolina set up a liquor monopoly and the State sold liquor at government dispensaries and claimed exemption from the Federal saloon license tax. But the United States Supreme Court required the State to pay the tax for each dispensary because the sale of liquor is not a necessary or usual government function.

Congress May Sometimes Exercise the Right to Tax Merely for the Purpose of Regulation. — During the Civil War Congress established a National banking system, and desired to get rid of paper money issued by State banks. So it imposed a tax of 10 per cent on the circulation of such money, a rate so high as to drive it out of circulation¹.

In 1902 Congress levied a tax of ten cents a pound on oleomargarine artificially colored to look like butter. When the manufacturers of oleomargarine protested that it was not a tax but was practically destroying an industry over which Congress did not constitutionally have control, the Supreme Court upheld the constitutionality of the law. The court refused to go into the motives which prompted Congress to enact the law, and upheld the law on the ground that Congress was constitutionally exercising its taxing power.

The white or yellow phosphorus used in the manufacture of the old-fashioned match is very poisonous. Workmen in match factories often had their teeth fall out or their jaw bones decay, and many died from the poison. Matches made from other materials were a little more expensive. The Constitution does not give Congress power to regulate labor conditions directly;

¹ In upholding the constitutionality of this law the Supreme Court said "Having, in the exercise of undisputed constitutional powers, undertaken to provide a currency for the whole country, it cannot be questioned that Congress may, constitutionally, secure the benefits of it to the people by appropriate legislation" — *Veazie Bank v. Fenn* (1869)

therefore, in 1912 Congress imposed a stamp tax of two cents a hundred on matches made of white or yellow phosphorus, which is injurious to workmen. As matches sell for one cent a hundred the phosphorus match industry was of course destroyed.

In 1914 Congress laid a tax of \$300 a pound on the manufacture of opium to be used for smoking and in this way destroyed the industry by taxation.

It looked as though there was no limit on the power of Congress to regulate through taxation those industries which fall under State control and could not otherwise be regulated by Congress. So, in 1919, Congress passed a law imposing a ten-per-cent tax on any person or corporation employing child labor. But this was encroaching too far upon States' rights, and in the Child Labor Case decided in 1922 the Supreme Court said, "Taxes do not lose their character as taxes because of the incidental motive. But there comes a time in the extension of the penalizing feature of the so-called tax when it loses its character as such and becomes a mere penalty with the characteristics of regulation and punishment. Such is the case in the law before us." The court declared this law unconstitutional.

In 1934 Congress imposed a tax of \$200 on the transfer of each machine gun. The purpose of the statute is not revenue but a record of criminals who buy such guns. Should the Supreme Court declare this Act unconstitutional as it did the Child Labor Act?

High tariff is largely for protection of American industries, high estate taxes to destroy large estates; yet they are legal.

QUESTIONS ON THE TEXT

1. What restrictions are placed upon Congress as to its power of taxation?
2. What is the reason for prohibiting export taxes?
3. Does the constitutional requirement that taxes must be for the general welfare really impose much of a restriction upon Congress?
4. Why has not the United States levied any direct tax, except the income tax, since the Civil War?

5 Why is the income tax, which is direct, constitutional without being apportioned among the States?

6 How much income does a single person have to earn before he is taxed? a married person? If husband and wife both have separate incomes, to what exemption are they entitled? How much exemption is there for each dependent incapable of self-support?

7 What are indirect taxes? What kinds of indirect taxes are there?

8 What is meant by the requirement that indirect taxes must be uniform throughout the United States?

9 Give some examples of the *excise tax*.

10 Name an article that enters the United States free of duty One on which tariff for revenue is imposed One on which tariff for protection is imposed

11 What is meant by *ad valorem* tariff? By specific tariff?

12 Why is the Federal inheritance tax constitutionally considered an indirect tax? Why is it called an *estate tax*?

13 Previous to 1939 the States could not tax the income of Federal employees and the United States could not tax the income of State or local government employees Since 1939 the Supreme Court has allowed these incomes to be taxed Why?

14 Explain to what extent Congress may tax for the purpose of regulation.

PROBLEMS FOR DISCUSSION

1 The United States pays subsidies to certain American steamship lines running between the United States and countries that otherwise would not have American lines Is this money spent for the "general welfare"?

2 Would any constitutional question be raised if Congress should appropriate \$5,000,000 for a library in Chicago? Would the constitutional question be different if a library appropriation were made for every State in proportion to population?

3 Are direct taxes or indirect taxes more just? Which are easier to collect?

4. When a high internal revenue tax was placed on tobacco, the people of Virginia, who manufactured large quantities of tobacco, felt that they were being unjustly taxed The tax has not been reduced, but complaints are no longer heard Why?

5 How could Congress discourage the sale of tobacco?

6. How much Federal income tax would a bachelor pay on a \$2500 income?

7. In 1928 there were 511 who had incomes exceeding \$1,000,000; but in 1939 only 43. Should the income tax apply only to the rich?

8 A 1937 Act of Congress attempts to end most of the following schemes to evade large income taxes (1) Incorporating yacht, racing stables, or estate by turning over to them enough securities to pay their expenses without showing profit (2) Incorporating industry and paying salaries to wife and children (3) Selling to members of family or friend at a loss, with option to buy back (4) Making members of family partners. (5) Establishing trusts for children, borrowing from them at interest, and deducting interest from income (6) Incorporating in Newfoundland where there is no income tax (7) Putting money in a Bahama fake insurance company and borrowing it back. (8) Artists incorporating their talents and paying salaries to members of family. (9) Some States allow income to be divided with wife, each making separate income report Explain how each scheme saved taxes

9 Before the War a German unmarried worker paid a 16 per cent income tax on his wages, if married and childless 10 per cent, if he had 3 children 1 per cent Is the principle right?

10 Why is tariff on champagne \$6.00 a gal and 15 cts. on ginger ale?

11 Is a protective tariff a tax in proportion to ability to pay?

12 When the tariff on luxuries, e.g., 80 per cent *ad valorem* on jewelry, is so high that scarcely any are imported, is it a tax on luxuries or merely a bounty to those who produce them in this country?

13. If Congress had not been given the power to regulate interstate commerce, and each of the States imposed tariff against the others, about how many miles of tariff walls would we have? Would the Ford car be cheaper or more expensive?

14 The 1930 Tariff Act placed farm machinery on the free list. Therefore Mr. Ford manufactured tractors in Ireland and shipped them to the United States Is this an argument for or against protective tariff?

15 The United States has a reciprocity treaty with Cuba which provides that dutiable goods from Cuba shall have a reduction of 20 per cent and that American commodities dutiable in Cuba shall have a reduction varying from 20 to 40 per cent, depending upon the article. Do you favor it?

16 Florida amended its constitution, forbidding a State inheritance tax. This was done to induce people of wealth to establish residence in the State To discourage States from bidding against each other by low taxes, Congress, in its Estate Tax Law of 1926, gave taxpayers a credit for estate or inheritance taxes paid to any State Florida questioned the constitutionality of this Act of Congress on the ground that the tax lacked uniformity because citizens of Florida could not deduct

inheritance taxes paid to the State since there was no tax in the State. The United States Supreme Court decided against Florida's contention. What clause of the Constitution was interpreted in this case? Why do you suppose the Florida contention was rejected? Florida again amended its constitution permitting estate taxes, and in 1931 enacted an estate tax law.

17 John D. Rockefeller, Sr., America's first "billionaire," died in 1937 at the age of 97. Besides gifts to his children he had given over half a billion dollars in benefactions. At death he left an estate of \$26,410,837. From this estate the Federal Government collected an estate tax of \$12,245,000 and New York State about \$4,385,000 — making \$16,630,000 in taxes. Should all estate taxes go to the State? To the United States? Should the National Government collect all and return to each State a certain percentage?

18 The patriarchs of old were blessed with many children, and their private property immediately benefited a large number. The multi-millionaires to-day are blessed with few children, and property from generation to generation tends to concentrate in a few hands. Does this condition make a high progressive income or inheritance tax more reasonable and expedient to-day than formerly?

19 The gift tax rates under the 1932 and 1942 Acts of Congress are $\frac{1}{4}$ as high as those of the estate tax. The donor, if a citizen of the United States, is not taxed on certain gifts for the welfare of society, nor upon total gifts of \$30,000 to any one individual, plus \$3000 a year beyond the total of \$30,000. For gifts in excess of these deductions the donor pays a Federal tax equal to three fourths of the estate tax; and he cannot escape the high rates by spreading his gifts over a series of years. He is taxed the same total if he makes gifts in successive years as though he had given the amount all at one time. Do you favor the gift tax? Do you favor the three-fourth rates for the gift tax?

20 Should Congress be given power to tax State, county, and city bonds?

21 If Congress should pass an Act imposing a tax of 10 per cent of the net receipts of any chain store which works any employees more than eight hours a day, do you think the Act would be constitutional?

22 The University of Georgia and Georgia Tech claimed that taxing admissions to the football games played by their schools was taxing the State and hence was unconstitutional. In 1938 the Supreme Court of the United States decided that the taxes can be collected. Why?

23 Why do you agree or disagree with the following statements made by Professor Harley L. Lutz in 1944?

"When the future Edward Gibbon shall write the history of the de-

cline and fall of the American Republic the date he will use for the beginning of the decline will be March 1, 1913. On that date people sanctioned Federal taxation of incomes with no thought of restraint upon the abuse of the method, or the evils that would be produced by abuse."

"No new large-scale mass-production industry can arise in this country under the progressive tax system, because the tax would absorb the funds acquired for expansion while they would destroy all incentive to do so. Progressive taxation is the most powerful instrument for the peaceful achievement of the socialist state, and this purpose constitutes the only valid argument in its support" — *Vital Speeches* June 1, 1944

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CHAPTER VIII

THE COMMERCIAL POWERS OF CONGRESS

(See Outline on page 314.)

Introduction.—The Constitution gives Congress power to regulate commerce with foreign nations, and among the several States, and with the Indian tribes¹. This commerce clause of the Constitution has done more to develop a loose confederation into a strong Union than any other part of the Constitution.

A traveler in Europe is annoyed every few hundred miles at a national boundary, where the train is delayed (perhaps for an hour), where he must show his passport (the visé of which may have cost several dollars), and where his baggage is gone through — and maybe taxed². When he returns to America and passes the Statue of Liberty and “goes through customs” he can travel by train in forty-eight States without delay, passport, or inspection or taxation of his baggage.

An American selling automobiles in Europe must pay a high tariff duty, of different rates, in more than a dozen countries, and he must fight all sorts of annoying regulations imposed to give advantage to homemade cars. In our United States Mr Ford finds a public with a purchasing power comparable to that of all Europe, without a cent of tariff to pay, and without other discriminatory regulations.

¹ The framers of the Constitution viewed the Indian tribes very much as they did foreign nations, hence gave Congress power to regulate commerce with them. The Constitution makers also realized the importance of keeping “firearms” and “fire water” from the Indians. Later, when railroads were built, Congress had power to grant rights of way through Indian lands for the construction of railroads.

² When one enters Russia and certain other countries, his money is counted and when he leaves, he must not have more than when he entered.

In brief, this commerce clause has given the citizens of the United States the greatest unrestricted market in the world. For whatever you have to sell you should thank your forefathers for this enormous market they have built for you.

I FOREIGN COMMERCE

Exclusion of Imports. — Congress has “power to regulate commerce with foreign nations” Under this power Congress has prohibited the importation of numerous articles — *e.g.*, diseased animals and plants, opium except for medical purposes, obscene books, lottery tickets, adulterated and misbranded foods, articles having names or emblems simulating domestic trade marks, convict-made articles, white or yellow phosphorus matches, and firearms except to licensed dealers

Embargo on Exports. — Congress also has power under this commerce clause to forbid the export of commodities. Thus it has prohibited the exportation of matches made of white or yellow phosphorus because of injury to workmen who make them

In trying to keep out of World War II Congress at first forbade the export of munitions to belligerent countries. Later belligerents were allowed to buy munitions here on a cash and carry basis, but the Act forbade our ships to enter belligerent zones. As this Act worked to the advantage of the Axis powers we reversed our policy by the Lease-Lend Act.

Protection against State Interference. — The Supreme Court announced the Original Package Doctrine a century ago, which forbids a State to tax or exercise police power¹ over imports from foreign countries until the original package is once sold, broken open, or used. That means that a State cannot tax or interfere with the sale of Havana cigars from Cuba until the regular shipping packages are opened or sold. If a State could tax or otherwise interfere with commodities in their original

¹ Police power is State power to regulate health, morals, safety, and general welfare.

packages, coast States could collect revenue or otherwise forbid imports to reach interior States



H. Armstrong Roberts

BOUND FOR NEW YORK

Supplies of rubber and tin, material much needed in the United States, are once more coming from the Far East. The docks at Penang, Malay States, and the busy, turbaned workers present a picturesque scene.

Regulation of Navigation. — Congress regulates shipping; determines numerous conditions under which vessels may fly the American flag, such as requiring wireless equipment, life-preservers, life-boats, a definite limit to the number of passengers, and inspection of the ships; prescribes how ships must enter and leave ports — *e.g.*, stop at quarantine stations for health inspection and have proper entry and clearance papers.

Regulation of Foreign Communication. — The courts have interpreted "commerce" to include the communication of ideas as well as the exchange or transportation of commodities. Therefore Congress regulates cables, telegraph and telephone wires extending to foreign countries, all kinds of foreign wireless communications, and the importation of printed matter.

Regulation of Immigration. — The Constitution does not in so many words give Congress power to regulate immigration except under the power to regulate foreign commerce. But since the courts consider the movement of people to be commerce, Congress excludes certain classes of aliens altogether, prescribes conditions under which others may enter, and provides for the deportation of undesirable aliens.

II. INTERSTATE COMMERCE

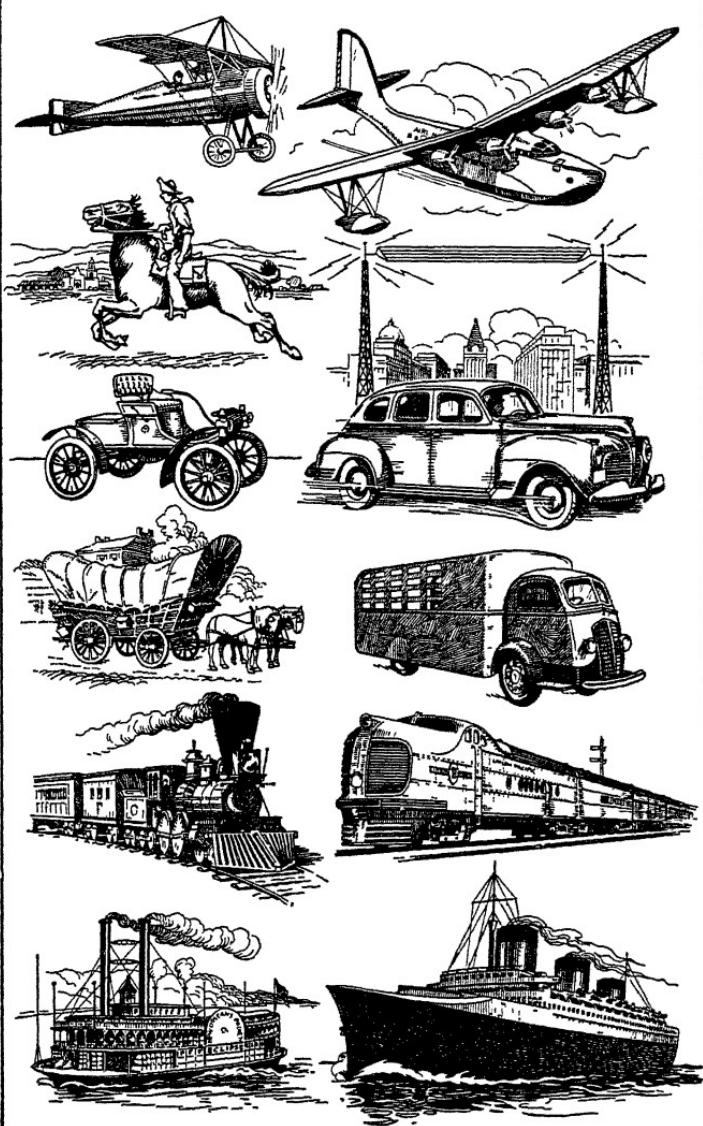
Introduction. — Congress has power to regulate commerce among the several States. The strongest motive that led to the formation of our Union was the annoying taxes which each State placed upon the commerce of the others, hence the Constitutional Convention was prepared to give a liberal regulation of commerce to the central government



TRANSPORTATION AT THE TIME THE CONSTITUTION WAS FRAMED

From a painting by Turner in the Wisconsin State Capitol.

When the Constitution was framed wagons or stagecoaches naturally needed very little regulation, and slow sailboats did not present many interstate problems. The chief and perhaps the only purpose of this clause in the minds of the Constitution makers was to prevent the States from interfering with the freedom of commercial intercourse among themselves: it referred to the articles to be transported rather than to the means of transporting them.



CHANGING CONDITIONS NEED CHANGING LAWS

However, the Supreme Court decided that the power of Congress to regulate commerce could not be confined to the instrumentalities in use at the time of the adoption of the Constitution, but kept pace with inventions and with the growth of the country. Thus, by this liberal and progressive attitude of the court, Congress has been able to do many things through its "power to regulate commerce among the several States"

Today Congress regulates not only the articles of commerce and the means of transportation, but the labor that produces it and the stocks and bonds that finance it

Commerce Includes Navigation. — Thirty-five years after our government was established the Supreme Court was called upon to explain this commerce clause. In 1807 Fulton's steamboat made its first successful trip from New York to Albany, and the New York legislature gave him and his partner Livingston a monopoly to navigate the waters of New York State by steam for a period of years. A Mr. Ogden secured a permit for steam navigation from Fulton and Livingston and operated a line between New York City and the Jersey shore. One Gibbons, under the authority of a coasting license obtained from the United States government, began operating a competing line. Upon Ogden's petition the New York court enjoined Gibbons from continuing in business. An appeal was taken by Gibbons to the United States Supreme Court, thus presenting to that tribunal its first case under the commerce clause of the Constitution. Chief Justice Marshall handed down a decision holding invalid the New York monopoly. This decision established for all time the supremacy of the National government in all matters affecting interstate and foreign commerce.

This case, known as *Gibbons v. Ogden*, decided that "commerce" is not only the purchase, sale, and exchange of commodities, but is also transportation, which includes navigation. Hence Congress has power to regulate vessels plying from State to State and also the waters in which they navigate. Thus Congress requires vessels to be inspected, requires them to carry

life-preservers, limits the number of passengers, and prescribes working conditions for the crews.

Congress appropriates money for dredging rivers and harbors, constructing canals, marking channels, and operating lighthouses. It forbids obstructions in navigable streams; and a bridge, causeway, or dam cannot be built across navigable streams without the consent of Congress.

Congress forbids foreign vessels to carry freight or passengers from one port of the United States to another, thus protecting Americans engaged in interstate shipping against the competition of foreign vessels.

The regulatory power of Congress extends to all navigable waters which are used or are susceptible of being used for interstate commerce. Congress has authority over navigable streams running through two or more States, and also over those located wholly within one State but connecting with other navigable waters so as to form a continuous channel of communication with other States.¹

The authority of Congress has also been extended to navigable waters wholly within a State and connected with no exterior water if these waters are actually navigated by boats which connect with interstate common carriers. Thus, a box of fish shipped across a lake wholly within a State is interstate com-

¹ Streams that are not navigable were not originally considered within the power of Congress. However, in 1893 Congress created the California Débris Commission to prevent such hydraulic mining in non-navigable streams as would cause débris to float into navigable streams and fill their channels. The United States Circuit Court of Appeals sustained this Act.

Power plants built on non-navigable streams at first came under State authority and not Federal. But a 1935 Act of Congress gives the Federal Power Commission power to refuse licenses for dams on navigable streams, and on non-navigable streams if they affect interstate commerce.

In 1931 the Federal Power Commission claimed supervision over a power plant on New River, Virginia — a non-navigable stream which flows into a navigable stream and thus affects the flow of the navigable stream. A United States District Court sustained the Commission in its claim to Federal control over non-navigable streams, and in 1940 the Supreme Court sustained the right of Federal control over such dams.

merce if consigned to a party outside the State and delivered by an interstate railroad. Therefore the little lake boat carrying this interstate box of fish is subject to Federal regulation by Congress.

Commerce Includes Transportation on Land.—The first railroads were built about 1830. Until the Civil War their building was encouraged by the States. Subsequently, under the Granger movement of the Middle West, they were rather

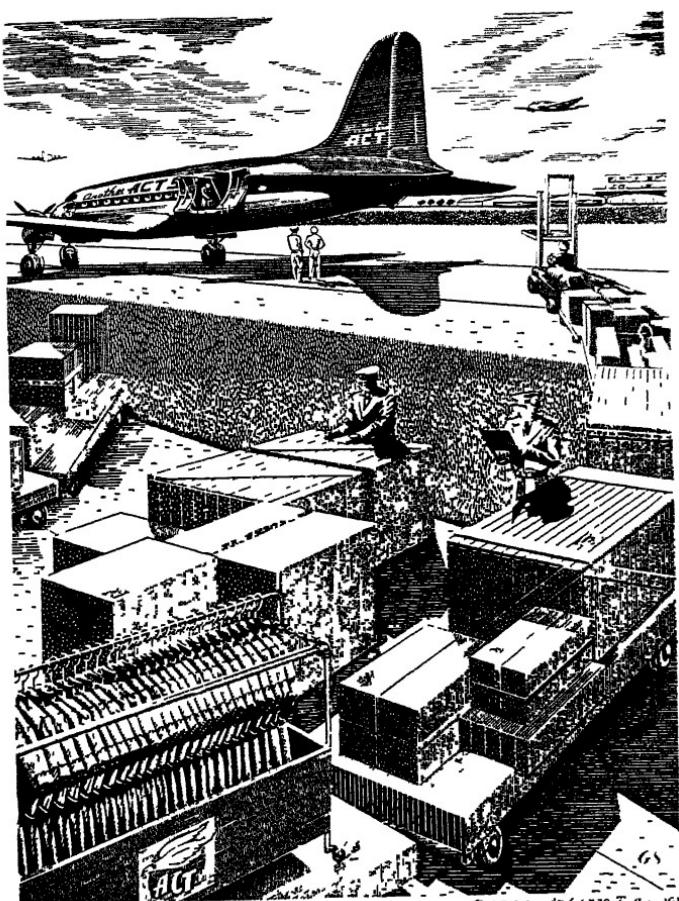


Courtesy Evans Products Company

AN AUTO-RAILER TRAIN SUITED TO TRACKS OR ROADS

drastically regulated. States even interfered with interstate rates. In 1886 the Supreme Court checked this interference, and in 1887 Congress created the Interstate Commerce Commission. The courts justified the regulation of interstate railroads under the commerce clause, saying that commerce means "traffic," "intercourse," and also "transportation."

Under this power to control interstate "transportation" the Federal government regulates rates for articles or persons carried from one State to another, limits the number of hours that employees are permitted to work, requires safety appliances, and compels roads to pay damages to employees actually engaged in carrying on interstate commerce, or their assignees, if any



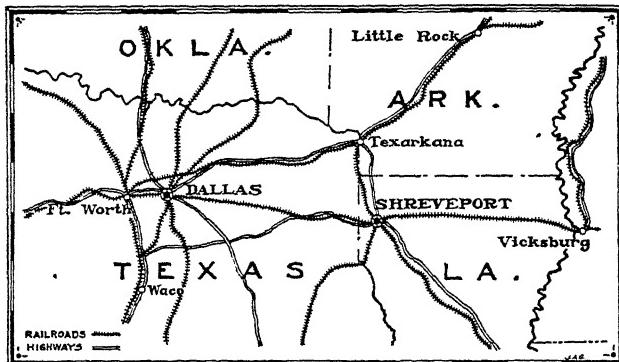
Courtesy Air Corps Transport

COMMERCE INCLUDES TRANSPORTATION BY AIR

employee is injured or killed through the negligence of a railroad employee. Wrecking an interstate train is a Federal crime.

Commerce between the States is called *interstate commerce* and includes the movement of passengers and freight from one State to another, and the agencies and facilities by which the transfer is accomplished, and commerce within a State is called *intrastate commerce*. As a general rule, the Federal government controls interstate commerce and each State controls intrastate commerce within its borders.

The simple rule that the States have control over intrastate commerce is modified by recent court decisions. In fact, there has been a tendency to narrow the powers of the States and to



broaden those of the Federal government. When State regulation of intrastate commerce directly interferes with interstate commerce, the State regulation must yield to Federal law. For example, Shreveport, Louisiana, which is near the Texas border, and Dallas, Texas, competed for the trade of the Texas towns between these two cities. The freight rates from Dallas to these towns had been fixed by the Texas Railway Commission, and they were much lower per mile than the rates from Shreveport to these towns which had been fixed by the Interstate Commerce Commission. Therefore the dealers of Shreveport complained

that they were discriminated against because they happened to be located across a State line and were regulated by the Federal Interstate Commerce Commission. The Interstate Commerce Commission heard their complaint and decided that the intra-state rates from Dallas were too low, and ordered them to be raised on a par with the interstate rates from Shreveport. The case was taken to the United States Supreme Court. Here it was decided in 1914 that the order of the Interstate Commerce Commission was valid; that *the authority of the Federal government to regulate interstate commerce carries with it the right to regulate intrastate commerce when it is necessary for the protection of interstate commerce.*

In 1935 Congress gave the Commission control of interstate common or contract carrier motor vehicles.

Commerce Includes the Communication of Ideas. — The first telegraph line was built in 1842 and the first telephone was exhibited at the Centennial Exposition in the year 1876. Both, when extending from one State to another, are regulated by the Federal government, inasmuch as the courts have said, "commerce includes the transmission of messages." Likewise radiograms and radio broadcasting are commerce, and in 1934 Congress created the Federal Communications Commission to control interstate wire and wireless communications. And it is a Federal crime to threaten to injure a person, property, or reputation, or to request a reward for the release of a kidnapped person, across a State line.

Commerce Includes the Movement of Persons. — Vehicles carrying persons across a State line for business or pleasure are engaged in interstate commerce. Even persons walking across a State line are considered interstate commerce. In 1941 the Supreme Court held unconstitutional a California statute which forbade a non-resident indigent (poor) person to enter the State. This restriction violated the interstate commerce clause.

Under the White Slave Act any person who knowingly transports or assists in obtaining the transportation of a female from

one State to another or from a foreign country for immoral purposes, or persuades her to come, is punishable by a fine not exceeding \$5000 or imprisonment not exceeding five years or both.

It is also a Federal crime to kidnap across a State line; to flee to another State to avoid State prosecution for certain crimes; or to go to avoid giving evidence in felony cases.

Commerce Includes Securities. — State laws gave inadequate protection to investors, and billions of dollars invested in stocks and bonds were lost through lack of information or outright fraud. In 1934 Congress created the Securities and Exchange Commission to help protect investors (See page 329)

Commerce Includes Insurance. — In 1944 the Supreme Court declared fire insurance (and life by inference) to be commerce

The Right to Regulate Interstate Commerce Includes the Right to Protect It. — Hence Congress has made it a Federal crime to break into a car or station or steal interstate shipments, knowingly to receive the same, or to rob passengers on interstate trains or steal their baggage.

The Right to Regulate Interstate Commerce Includes the Right to Prohibit It. — Congress excludes from interstate commerce such things as lottery tickets, obscene publications, game killed in violation of State laws, goods manufactured by child labor, liquor for dry States, diseased cattle, dangerous explosives, firearms shipped by unlicensed persons, disease-infected goods and persons, and impure or misbranded foods and drugs

It had become difficult for an honest man to compete because dishonest producers indulged in every dishonest device — from misrepresenting the quantity in a package to selling fraudulent remedies for cancer. The homely squash, when doctored, flavored, colored, and attractively packed, became "canned peaches"; the apple with little seed added became "preserved strawberries"; oleomargarine dyed yellow took the name of "butter"; veal became "potted chicken"; and even mineral earths have been mixed with cheap meals to produce "flour". Therefore, Congress has enacted laws prohibiting the circulation

in interstate trade of foods, beverages, drugs, and cosmetics that are misbranded as to quantity, quality, or place of production, and that are injurious to health

It is a Federal crime (a) knowingly to transport stolen firearms, cattle, aircraft or other vehicles of any value, across a State line, or stolen money, securities, or other goods of \$5000 or more value; or to cause the above to be transported or to receive them, or

(b) to steal interstate freight, express, baggage, fares, or from passengers in a station, R R car, aircraft, or other vehicle, or knowingly to buy, receive, or have possession of same.

The Right to Regulate Interstate Commerce Includes the Right to Protect It against Unreasonable State Interference. — When an article or package of articles is moved from one State to another it is interstate commerce and it retains its Federal protection against State taxation until it is delivered to its consignee or comes to rest. It retains Federal protection against other State regulations until the original package is broken, is once sold, or is used. Thus a State cannot tax a carload of gasoline as it crosses the State border; and it cannot regulate the sale of cigarettes from another State or foreign country until the package is broken or it is once sold.¹

A State may, under its police powers, require interstate commerce to comply with reasonable State regulations pertaining to health, morals, safety, and general welfare. For example,

¹ The original package which has Federal protection is one which the trade ordinarily uses for transportation. Thus a ten-pound package of oleomargarine was held to be an original package, but paper cartons containing a pound of oleomargarine are not original packages. The original package is the tub or box in which the pound packages are shipped. Neither is a package of ten cigarettes an original package.

Goods brought into a State by peddlers and sold in the original package cease to have the Federal protection given to consigned commodities. Peddlers' goods are subject to State taxation and regulation as soon as brought into the State. This exception to the original package doctrine is justified because the retail transactions begin at once and the transaction is not analogous to the ordinary wholesale transaction with a jobber who stores his goods in a warehouse.

States may require proper heating of all passenger cars as well as sanitary drinking cups. They may forbid gambling on all trains, require crews of sufficient size to protect the public against accident, require all trains to slow down when going through cities, and require them to make a reasonable number of stops within the State. Of course even reasonable regulation



Courtesy E S Budd Manufacturing Company

A MODERN TRAIN

of interstate commerce must yield to Federal regulation whenever it comes in conflict with a general Federal law.

The Right to Regulate Interstate Commerce Includes the Right to Protect It against Monopolies. — The Sherman Anti-Trust Law of 1890 was enacted under the power to regulate commerce. It prohibits "every contract, combination in the form of a trust¹ or otherwise, or conspiracy in restraint of trade

¹ The *trust* was originally a device by which several corporations engaged in the same line of business would combine to eliminate competition and regulate prices. This was done by creating a central board composed of the presidents or general managers of the different corporations and the

or commerce among the several States, or with foreign nations " During the first twenty years *every* agreement in restraint of interstate or foreign trade was considered illegal, but since then the law has been modified as follows .

1 *The "Rule of Reason" Has Been Applied* — During 1911 in the cases against the American Tobacco Company and the Standard Oil Company, the Supreme Court announced that the Anti-Trust Act forbids only *unreasonable* agreements in restraint of interstate and foreign trade So in 1914 Congress created the Federal Trade Commission to assist well-meaning business concerns in determining what is reasonable and what unreasonable. But one who violates the anti-trust law may still be prosecuted directly without the intervention of the Federal Trade Commission.

2 *Labor Organizations Are Exempted* — A 1914 Act of Congress provides that labor organizations not conducted for profit are not to be considered illegal combinations in restraint of trade, and that members are not to be restrained in carrying out the legitimate objects of their organizations

3 *Export Firms Are Exempted* — Foreign exporters have combined their efforts to obtain foreign trade For example, German firms exporting a certain commodity agreed upon a price and employed one set of salesmen who divided the orders among the firms In America this price-fixing agreement was illegal , so a 1918 Act of Congress provides that agreements of firms organized solely for export trade are not illegal provided they are not in restraint of trade in the United States or in

transfer to them of a majority of stock from each of the corporations to be held "in trust" for the stockholders who thus assigned their stock The stockholders received in return "trust certificates" showing that they were entitled to receive dividends on their assigned stock, though the voting power of it had been passed to the trustees This enabled the trustees to elect all the directors of all the corporations, and thus prevent competition and insure better prices Though the "trust" has been superseded by "holding companies" and other devices, any monopolistic combination is to-day called a "trust "

restraint of the export trade of any domestic competitor of the organized firms

4. Railroads Are Exempted with the Consent of the Interstate Commerce Commission. — Under the Anti-Trust Act it was illegal for railroads to form combinations or "pools" for the maintenance of freight or passenger rates. By a Congressional Act of 1920 railroads are allowed to agree to the division of traffic or earnings with the approval of the Interstate Commerce Commission. Also this commission was authorized to consolidate the railroads of the country into a limited number of systems

5. Farm Organizations Are Exempted — A 1922 Act of Congress allows farm associations to enter collective agreements. If the Secretary of Agriculture finds that these agreements unduly enhance the price of agricultural products, he may order the organization to desist from such restraint of trade.

6. Associations of Producers of Aquatic Products May Bargain Collectively if prices are not unduly enhanced (Act of 1934)

7. Price-Fixing Agreements for Trade-Marked or Labeled Products of Interstate Commerce Are Permitted by the 1937 Act of Congress where State Law Permits Such Contracts. — As most States now permit such contracts, their merchants cannot sell these products below the price set by the manufacturer.

The Federal Trade Commission. — *Why Created* — The Sherman Anti-Trust Act was indefinite, and a corporation was often uncertain as to whether it was violating the law. This was unfair to business. On the other hand, the law was not systematically enforced and the public was not protected against high prices caused by monopolistic restraint of trade. To help correct both evils the Federal Trade Commission was created (1914) : to enforce the law against unfair practices, and to advise or warn businesses without prosecution if they will honestly endeavor to obey the law

Organization — The Commission is composed of five members appointed by the President with the approval of the Senate for seven-year terms.

Duties. — In brief, the Commission is empowered to prevent persons, partnerships, or corporations from using unfair methods of competition in commerce among the several States or with foreign countries, except in those fields of industry that are regulated by other agencies of the Government.



Courtesy Federal Trade Commission

THE FEDERAL TRADE COMMISSION BUILDING AT WASHINGTON

(1) It investigates unfair practices and recommends legislation to the President or Congress.

(2) It forbids price discriminations where the effect is to lessen competition and promote monopoly. For instance, manufacturers are not allowed to give discounts, rebates, and other similar allowances to chain stores because it gives these large corporations undue advantages over small independent dealers (Chain stores may still have an advantage by manufacturing their own goods, by buying the entire supply of a factory at a low price, or by buying a large supply during the season when prices are low)

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(3) It forbids "interlocking directorates" where monopolies are promoted by the same persons acting as directors for competing corporations

(4) It forbids the adulteration of goods designed to deceive customers, putting short weight in containers; use of imitation wrappers, bribery of persons employed to buy goods for retail merchants, or misbranding fabrics or other commodities respecting the materials of which they are composed.

(5) It forbids false or misleading advertisements. For instance, it enjoined a so-called "Civil Service Training Bureau" from misrepresenting the number of jobs available, from implying that they guarantee government jobs to students who take their courses, and from using the words "Civil Service" and "Bureau" in their title. Hat makers have been induced not to use the word *Panama* in describing hats not made from the leaves of the jipijapa tree. And the Commission forbids the advertising of false and useless remedies for bashfulness, goiters, deafness, and the like.

QUESTIONS ON THE TEXT

1 What travel and trade advantages has the commerce clause given citizens of the United States over Europeans who travel and transact business in Europe?

2 Under the commerce clause what power has Congress over imports? Exports?

3 What is the *original package doctrine* and what restrictions does it impose upon States?

4 In what ways does Congress regulate navigation? Foreign communication? Immigration?

5 Under what clause of the Constitution does Congress get power to regulate immigration?

6 What is meant by interstate commerce? By intrastate commerce?

7 Did the interstate commerce clause originally have reference primarily to commodities or to means of transportation?

8. What was decided by the case of *Gibbons v. Ogden*?

9. To what extent has Congress developed navigable streams? Regulated them?

10 Does a body of water necessarily have to communicate with another State to come under the regulation of Congress?

11 How does Congress protect American coastwise shipping against foreign competition?

12 Under what condition does the Federal government regulate intrastate rates? Explain by the Shreveport case

13 Are bus lines engaged in interstate commerce? Are they under Federal regulation like railroads?

14 What does Congress regulate under its power to regulate interstate communication of ideas?

15 Is a person walking across an interstate bridge interstate commerce according to the commerce clause?

16 Can one caught taking a stolen car from one State to another be prosecuted in a Federal court?

17. What is an original package that receives protection as interstate commerce?

18 Give some examples of the regulation of interstate commerce by States under their police power.

19 What is a monopoly? What is a "trust"? Under what Federal power has Congress legislated against monopolies?

20 What exceptions are there to the original meaning of the Sherman Anti-Trust law?

PROBLEMS FOR DISCUSSION

1 Could the United States forbid the export of lubricating oils so as to conserve the supply which is so essential to our machinery?

2 In 1798 Robert Livingston secured from the New York legislature an exclusive twenty-year grant to navigate by steam the rivers and other waters of the State, provided that within two years he should build a boat which would make four miles an hour against the current of the Hudson River. The grant was made amidst the ribald jeers of the legislators, who had no faith whatever in the project. The offer was renewed in 1803 to Livingston and Fulton as partners, and again in 1807. In August, 1807, Fulton's steamboat made its first successful trip from New York to Albany, and steamboat navigation became a reality. The following year the legislature, now fully aware of the practical significance of Fulton's achievement, passed a law providing that for each new boat placed on New York waters by Fulton and Livingston they should be entitled to a five-year extension of their monopoly, which should, however, not exceed thirty years. The monopoly was made effective by further providing that no one should be

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allowed to navigate New York waters by steam without a license from Fulton and Livingston, and any unlicensed vessel should be forfeited to them

In 1824 the United States Supreme Court declared unconstitutional this monopoly granted to Fulton and Livingston. Was this decision a victory for the State rights group or the Nationalist group? If each State controlled the navigable waters which communicate with other States, would transportation be more or less expensive than at present? More or less convenient?

3 A ranchman was driving his sheep from Oregon to Montana through Idaho on the day that annual property taxes were assessed in Idaho. The tax assessor in Idaho endeavored to tax these sheep but was unsuccessful because the owner appealed to the Federal courts, basing his case upon Art I, Sec 8, Cl 3, of the U. S Constitution. Explain.

4 Under the Federal Food, Drug, and Cosmetic Act of 1938 the labels on bottles of patent medicines must name the ingredients of the medicine. Do you favor this "prying into a man's business"? Do you favor the old theory, "Let the purchaser beware" or the newer one, "Let the seller beware"?

5 A loaded freight truck, en route from New York to Portland, Maine, was put in a garage in Boston on the evening of March 31st. The next morning it was assessed for taxation by the Boston assessors under the provisions of the Massachusetts law which permits the levy of a tax on all tangible personal property within the State on the first day of April each year. Why was this assessment unconstitutional?

6 Is a package of ten or twenty cigarettes shipped from another State an "original package" not subject to the police power of the State until sold or opened?

7 Can a State tax an "original package" from a foreign country? From another State? Can it regulate it under its police power if from a foreign country? If from another State?

8 A New York State milk law provided a minimum price below which it was illegal to buy or sell milk. A New Yorker bought milk at a lower price in Vermont and sold it at a legal price in New York. What effect did this have on New York farmers? Why couldn't New York exclude the Vermont lower-priced milk?

9 A "Holding Company" is a corporation which sells shares of stock and bonds like other corporations; but is a device by which one or a few individuals can control billions of dollars by investing a relatively small sum of money. For instance, a corporation may be organized with \$100,000 of voting stock and \$400,000 of non-voting stock, and then

issue \$500,000 of bonds. a total of \$1,000,000 If one individual owns \$51,000 of the voting stock he can control this corporation By using this million to buy a majority of the voting stock in other corporations thus parent corporation becomes a holding company In the famous Insull structure which collapsed in the 1929 depression, some of the operating companies in the power industry were separated from the parent or top holding company by five intermediate holding companies Why does the Government regulate and restrict holding companies?

10 In 1943 James C Petrillo, President of the American Federation of Musicians (A F of L), issued an order forbidding union members to play for recordings of musical programs used by radio stations and coin-operated phonographs The Department of Justice filed suit against Mr Petrillo under the Sherman anti-trust act In general this Act exempts labor unions from its prohibitions If the Supreme Court should uphold Mr. Petrillo's order under present law, would you favor an Act of Congress declaring such restrictions illegal as an improper restraint of interstate commerce? Small radio stations cannot afford great orchestras, and their listeners are denied the best orchestra music unless they can broadcast records On the other hand, few musicians are needed if one rendition can be re-broadcast thousands of times Is it the purpose of the government to create unnecessary work for people of one profession or to promote the happiness of the many? If in Congress would you vote for a law making Mr Petrillo's order illegal?

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CHAPTER IX

CONGRESS IN ACTION

Organization of the House of Representatives. — *Officers* — Before a new Congress assembles it is known which party will control the House; and the members of the majority party hold a caucus to nominate the Speaker, who is the presiding officer of the House, a clerk; a chaplain, who opens each daily session with a short prayer, a sergeant-at-arms, who preserves order,¹ a door-keeper, a postmaster, and other less important officers. As the action of this caucus is considered binding upon the majority members, the final election after the House convenes is a mere formality

Opening of a New Congress. — The Twentieth Amendment provides that Representatives who are elected in November of the even-numbered year shall succeed their predecessors the following January 3, when the previous Congress officially ends. Immediately after the expiration of a Congress at noon on the 3d of January of every odd-numbered year the House is without a Speaker and committees. It has no rules, no sworn membership, and no actual existence as an organized body. All unpassed bills of the old Congress are dead and must be reintroduced when the new Congress organizes

¹ The sergeant-at-arms also has charge of the halls and pays members their salaries, but his most interesting function is that of custodian of the mace, a representation of the Roman *fascæ* surmounted by a globe and an eagle of silver, which is the symbol of authority. When the House is in session the mace is always in a stand to the right of the Speaker. If the Speaker cannot maintain order, he instructs the sergeant-at-arms to approach the unruly member with the mace and demand order in the name of the House. If the display of the mace does not restore order, the House may authorize the sergeant-at-arms to arrest the unruly member

When a new Congress assembles in January the members-elect are called to order by the clerk of the preceding House. The clerk reads a roll of members-elect whose credentials are in due form; the members-elect select a Speaker, who takes his oath of office from the oldest member-elect in point of service — called “the Father of the House”, the Speaker, in turn, administers the oath to members-elect against whom no objections are raised by fellow members; the Democrats seat themselves to the right of the center aisle, the Republicans to the left, and, finally, the new clerk is chosen. The rules, usually those of the preceding House, are adopted. Thus the House is organized.

The Senate, a continuous body, is notified that the House is organized and ready to proceed to business. A joint committee of the two houses notify the President that they are ready to receive any communications. The following day the President’s message, outlining desired legislation, is sent to the houses and read, or delivered by the President himself as Washington, Wilson, and Franklin Roosevelt have preferred to do.

Rules of Procedure. — According to the Constitution each house may make its own rules of procedure, but must keep a public journal showing how motions are disposed of and the vote for and against bills and resolutions. It also requires the votes of each member to be recorded if one fifth of the members present demand it. This requirement enables a small number of members to put all the members on record, and thus their constituents may know how their representatives have voted on important bills.

Senate Rules are not so drastic as those of the House because the body is smaller and can proceed in a somewhat less formal manner. The President of the Senate recognizes members in the order in which they rise, and a member may speak as long as he chooses, unless the Senate resorts to the closure rule, which was adopted in 1917. According to this rule, on petition of sixteen senators, supported two days later by a two-thirds vote of the Senate, no senator can speak on the measure under dis-

cussion more than one hour. Thus the old abuse of "talking a bill to death," which is known as *filibustering*,¹ may be prevented if two thirds of the members desire to do so.

House Rules are changed oftener than Senate rules, and are more drastic, otherwise the large house would make no progress. A member may not speak more than an hour without unanimous consent; the Speaker is not obliged to recognize members in the order in which they rise, and a majority, by means of the "previous question,"² may end a debate at any time.

Though the rules prescribe a regular order of business for each day in the week — *e.g.*, Friday is "private bill day" — most bills are considered when the regular order of business is departed from. The regular order of business may be departed from by the unanimous consent of the members or by the adoption of a "special order" recommended by the committee on rules. On two Mondays in every month, and during the last six days of the session, rules may be suspended by a two-thirds vote, and therefore popular bills may be taken up out of their regular order.

The House Committee on Rules was originally intended to report upon desirable changes in the rules of the House. Gradually it obtained the power to determine the order of procedure and practically what measures should be considered.

Committees. — The House of Representatives has become too large for free debate and neither the House nor the Senate could work out the details of important legislation upon the floors of

¹ In ordinary use, the term "filibuster" means to act as a freebooter or buccaneer, but in the congressional sense it is applied to the obstruction of legislation by use of the technicalities of parliamentary law or privilege, such as the Senate privilege of unlimited debate (aside from Rule 22 adopted in 1917). Thus several senators with great power of endurance and a liberal supply of documents from which to read, may consume the time of the Senate and prevent it from acting on measures which they oppose. If the Senate adjourns while a member is speaking he has the floor when it meets the next day.

² "The previous question" means, "Shall the main question now be put?"

the houses. Therefore each house is divided into numerous standing committees, which are permanent throughout a term of Congress (two years), and into other temporary committees. These committees investigate proposed legislation and recommend for passage the bills which they approve.

Under the Legislative Reorganization Act of 1946 there are 19 committees in the House and 15 in the Senate varying in size from 9 to 43 members.

House Committees

- Agriculture
- Appropriations
- Armed Services
- Banking and Currency
- Post Office and Civil Service
- District of Columbia
- Education and Labor
- Expenditures in the Executive Departments
- Foreign Affairs
- House Administration
- Interstate and Foreign Commerce
- Judiciary
- Merchant Marine and Fisheries
- Public Lands
- Public Works
- Rules
- Un-American Activities
- Veterans' Affairs
- Ways and Means



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SENATOR ROBERT WAGNER OF NEW YORK AND GENERAL OMAR BRADLEY

Senate Committees

- Agriculture and Forestry
- Appropriations
- Armed Services
- Banking and Currency
- Civil Service
- District of Columbia
- Expenditures in the Executive Departments
- Finance
- Foreign Relations
- Interstate and Foreign Commerce
- Judiciary
- Labor and Public Welfare
- Public Lands
- Public Works
- Rules and Administration

House Committees are elected by the members of the House¹ Senate committees are elected by members of the Senate² The majority party of each house gives the minority party representation on each committee

The names of committees indicate the class of bills which the Speaker of the House and the President of the Senate refer to them, for instance, the Speaker refers bills for raising revenue to the Ways and Means Committee of the House and the President of the Senate refers them to the Finance Committee of the Senate

Bills. — Any member of either house of Congress may prepare and introduce bills, except that a bill for raising revenue must be introduced in the House by a representative But the most important bills are prepared by committees, or by Government agencies with further consideration by committees, and formally introduced by committee chairmen Members introduce many bills for organizations or friends, and may disclaim responsibility for them by labeling them "by request" An average of about 15,000 bills are introduced each term, but only 10% become law

A bill may become law by a majority vote of each house of

¹ Though the committees are formally elected by the members of the House, they are really chosen in a very different manner When the Republicans gained control of the House in 1919 they created a Committee on Committees to select the Republican members This committee consists of one Republican from each State having Republican representation in the House, and each committeeman casts as many votes as there are Republican representatives from his State The Democratic committee members are selected by the Democratic members of the Ways and Means Committee, who are named by the Democratic caucus These nominated members of the standing committees are then promptly elected by the House

Members continue upon the same committees term after term unless transferred upon request of the member or for special qualifications

The committee member longest in continuous service, if he belongs to the party in power, is usually made chairman according to the rule of seniority The Senate has the same rule

² Committees of the Senate are in reality chosen by two Committees on Committees selected by the caucuses of the two leading parties The nominees of these committees are usually elected by the Senate without debate

Congress and the signature of the President. If the President vetoes a bill, it may still become a law if passed by a two-thirds vote of each house. Or, if the President takes no action within ten days, Sundays excluded, the bill becomes a law without his signature, provided Congress does not adjourn meanwhile. If Congress does adjourn within the ten-day period, the bill does not become law without the President's signature. This method of killing a bill is known as the "pocket veto."

A bill usually relates to only one subject, but sometimes a "rider"¹ dealing with a different matter is included in a bill. For instance, some years ago the barrooms in the Capitol Building were abolished by a short sentence tucked in an annual appropriation bill—a bill which Congress was practically obliged to pass and which the President was obliged to sign².

The Lease-Lend Bill Traced.—When the 77th Congress convened in January, 1941, the President recommended that we become a "democratic arsenal" for invaded democracies and supply them with munitions, ships, and food. A bill was introduced simultaneously³ in the House of Representatives by John W McCormack and in the Senate by Alben W Barkley, the majority leaders of each house, on January 10, 1941. In the House the bill was placed in the "hopper"⁴ by Representative McCormack. The Speaker of the House, Sam Rayburn (or his "Parliamentarian"), numbered the bill H. R. 1776 (there having been 1775 other bills introduced in the House since it

¹ In legislation the word "rider" refers to a measure which rides through the legislative body and the chief executive on a more important bill which is certain to go through.

The term "rider" probably comes from the field of music. A musical string vibrates in segments, and if you pinch a strip of paper and hang it over the string at an interval where the string vibrates least, the paper will ride the string, if at the wrong interval, it will bounce off.

² The Legislative Reorganization Act of 1946 places restrictions on the use of riders in appropriation bills.

³ Usually a bill is introduced in one house only, but in order to save time in a preliminary study of the measure it was introduced in both

⁴ The "hopper" is a large box hanging at the end of the Clerk's desk.

convened on January 3) and referred it to the Committee on Foreign Affairs. The bill was recorded by its title in the Journal of the House¹ and in the Congressional Record² for the day and was thus brought to the attention of the members. The chairman of the Committee on Military Affairs argued that the bill should come under its jurisdiction, but the bill was not re-referred.

The House Committee on Foreign Affairs spent a week conducting hearings on the bill before it finally voted to approve it. Chairman Bloom then reported the bill back to the House with the Committee's recommendation that it be passed.

A resolution (Res. 89) was passed that the House resolve itself into Committee of the Whole³ for a three-day debate on the bill, followed by as much time as was necessary to consider any amendments, but restricting the members to five minutes each for discussion of the amendments. As the measure was considered of first importance the Rules Committee gave it priority

¹ The Journal of the House contains the minutes of the daily proceedings, which are read at the opening of each daily session, unless dispensed with.

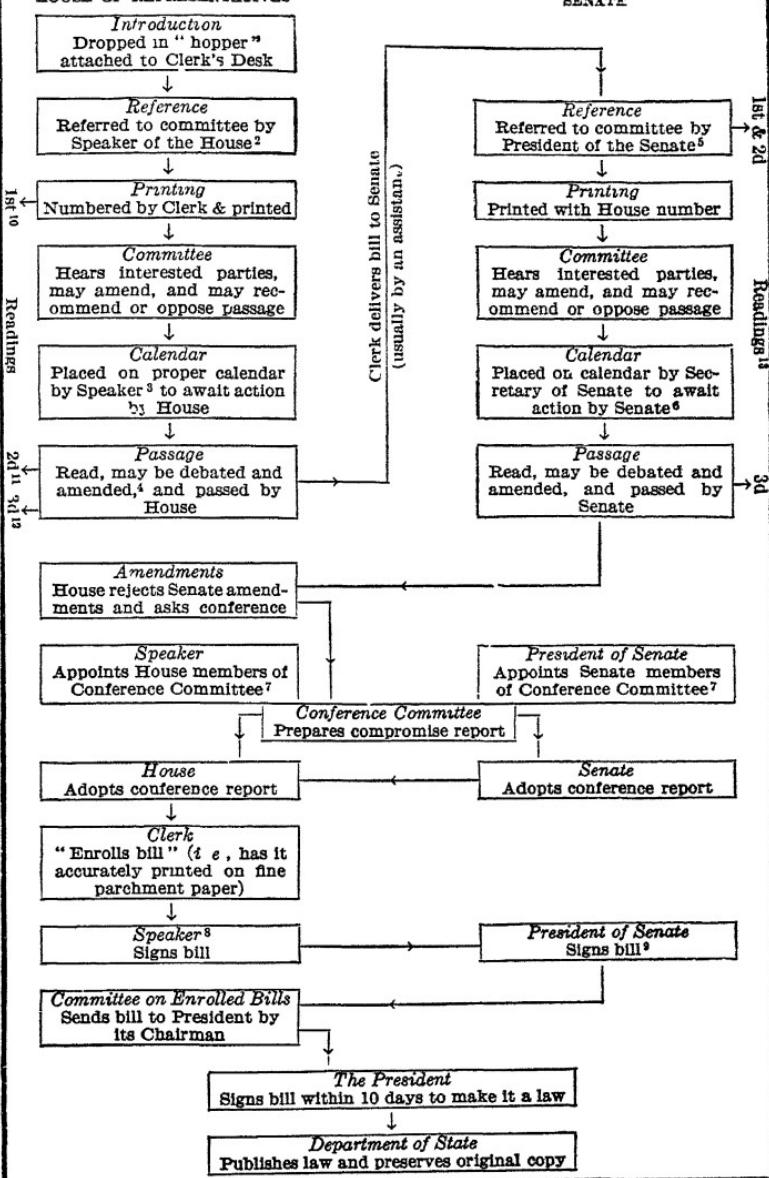
² The Congressional Record reports the debates of congressmen, the motions, the votes, and the disposition of bills. Each morning a copy of it is furnished to each member of Congress. The official reporters always correct the English of speeches and often give them a more elegant finish without changing the meaning.

³ After revenue or appropriation bills have been reported from one of the standing committees, the House always resolves itself into the Committee of the Whole in order that these bills may be discussed freely. This committee is composed of all the members of the House, but only 100 are required for a quorum, therefore members who are not interested in the bill under consideration need not attend. It operates with less formal rules than the regular sessions of the House and no individual votes are recorded — only the totals. The Speaker does not preside when the House is in Committee of the Whole but calls another member to the chair. There is no reason for his vacating the chair except that we follow the old English custom whereby the Speaker of the House of Commons was excluded from the Committee of the Whole of Parliament for fear he would report to the King what was being discussed in committee. The mace is also removed from its high pedestal at the right of the Speaker. In Committee of the Whole the bill is discussed in detail, and amendments are usually recommended when it is reported back to the House (regular session) for final vote.

In the Senate all bills are debated as in Committee of the Whole. The procedure differs very little from that of the Senate proper. The President

HOW A BILL GOES THROUGH CONGRESS AND BECOMES A LAW¹

HOUSE OF REPRESENTATIVES



on the House Calendar and it was debated almost at once. At the end of five and a half days Chairman Cooper of the Committee of the Whole reported the bill back to the House which passed it on February 8 by a vote of 260 yeas to 165 nays.

On February 10 a clerk of the House carried a certified copy of the bill to the Senate and announced that it had been passed by the House and asked for the Senate's concurrence. The bill was immediately referred by Vice-President Wallace to the Foreign Relations Committee of the Senate, which spent two weeks in hearings on it. One of the star witnesses for the bill was Wendell Willkie, 1940 Republican candidate for the Presidency, who had just returned from England. The chairman of

of the Senate remains in the chair and a majority of the entire membership is necessary for a quorum.

¹ This bill is assumed to have originated in the House of Representatives.

² The Clerk refers private bills, and in practice the Parliamentarian of the House acts for the Speaker in referring public bills not in controversy.

³ The Clerk does this work for the Speaker if there is no controversy.

⁴ Finance bills, and certain others, are considered item by item in Committee of the Whole (See page 161, n. 3). After approval by Committee of the Whole, the House proper commonly passes the bill without further debate.

⁵ In practice the Parliamentarian of the Senate acts for the President of the Senate.

⁶ There is only one calendar in the Senate.

⁷ The House and Senate do not always appoint the same number, as the conferees of each house vote separately. Five from each house is about an average number.

⁸ The House Committee on Enrolled Bills finds bill accurately enrolled.

⁹ The Senate Committee on Enrolled Bills safeguards the bill in the Senate.

¹⁰ First Reading merely means printing title in Journal and Congressional Record.

¹¹ Second Reading, when bill is read for amendment, is usually the only actual reading. For finance bills the real reading is in Committee of the Whole.

¹² Third Reading, just before passage, is by title unless a member demands reading.

¹³ The three readings demanded by Senate Rules have become perfunctory. The third reading, just before passage, is by title unless a member demands the reading. The actual reading of the bill when it is up for amendment is not one of three historical "readings."

the Committee on Foreign Relations reported the bill back to the Senate as amended by the Committee. The bill was then freely debated by the Senate "as in Committee of the Whole" for nearly two weeks and passed with amendments by 60 yeas to 31 nays on the 8th of March.

As the Senate made a few amendments to the bill a Conference Committee from the two houses convened. The Speaker appointed seven representatives and the Vice-President appointed seven senators. Three days later, March 11th, the House committeemen reported back to the House, recommending the acceptance of the amendments that had been made in the Senate. The House then voted by 317 yeas to 71 nays to accept the Senate amendments.

After the presiding officers had signed this final agreement, it was flown to the President, who was then cruising in the Caribbean. His signature made the bill H.R. 1776 Public Law No. 11, being the eleventh public law enacted by the 77th Congress.¹

Making the National Budget.—A budget is a method of worrying before you spend instead of afterwards. The Bureau of the Budget, with a director appointed by the President, is independent of the Treasury Department and responsible only to the President. Under the budget law the head of each department and establishment prepares an estimate of its needs for the succeeding year and transmits it to the Bureau by September 15. Under such rules as the President may prescribe the Bureau prepares the budget. For instance, President Coolidge once directed that each spending agency reduce its askings by 10%. And, in 1946, when Congress provided that civil service pay raises be absorbed by payroll reductions, the Bureau of the Budget instructed the War Department to reduce its civilian employees from 572,579 to 519,500.

When the budget is prepared the President sends it to Congress.

¹ An excellent illustrated treatment of How a Bill Becomes a Law will be found in the article "Congress" in the World Book Encyclopedia.

January 3d for Congress to enact by July 1st when the fiscal year starts. The Ways and Means Committee of the House and the Finance Committee of the Senate consider taxes, and the Committee on Appropriations of each house considers expenditures. Finally the House and Senate must agree on taxes and expenditures, and the President must accept or veto an entire finance bill. He cannot veto specific items as most Governors may do.

Each Congressman naturally endeavors to get as much money spent in his home district or State as possible — to use the congressional phrase, "to get pork out of the public pork-barrel." These appropriations may be for needless post offices and river and harbor improvements, or higher prices for silver or agricultural products. Many of these appropriations are extravagant and unnecessary, but they are supposed to strengthen a Congressman's standing with his constituents.

Each Congressman can usually get "pork" for his district because he helps every other one to get it for his own. This practice of working together in securing appropriations is known as "log-rolling" — a term from pioneer life where neighboring friends lent a hand in rolling logs where a settler was building his cabin.

Many committees of the House prepare bills which authorize the expenditure of money when passed by Congress. But the money is not available until the passage of an appropriation bill, prepared by the Committee on Appropriations, which contains the item authorized.

The Party Caucus. — Each party in each House of Congress has a secret conference of its members, known as the party caucus, for the purpose of securing unanimous party action on any important question. The important question may be the nomination of the speaker, the floor leader, or the whips¹ of the

¹ A "whip" is a member of a party who looks after the interest of the party and secures the attendance of as many members as possible when an important vote is to be taken.

party. More often the work of the caucus is to determine the party attitude on pending legislation.

When important legislation is under consideration the majority caucus decides whether or not the bill will be made a party measure. Each member may speak freely; but if the majority decide to make the bill a party measure, every member of the party is expected to vote for it in the House. For instance, when the Tariff Bill of 1913 was under consideration, the Democratic caucus decided that the bill should pass the House, and that it should not be amended unless Mr. Underwood, chairman of the Ways and Means Committee, should offer the amendment. If any member fails to vote as directed by the caucus, he is likely to lose all influence in the party.

In each house of Congress there is a caucus room, and each party in each house holds secret caucuses; but the results of these caucuses are always made known. The leadership of President Roosevelt subordinated the importance of the caucus. Also the direct primary has made Congressmen more independent of party discipline.

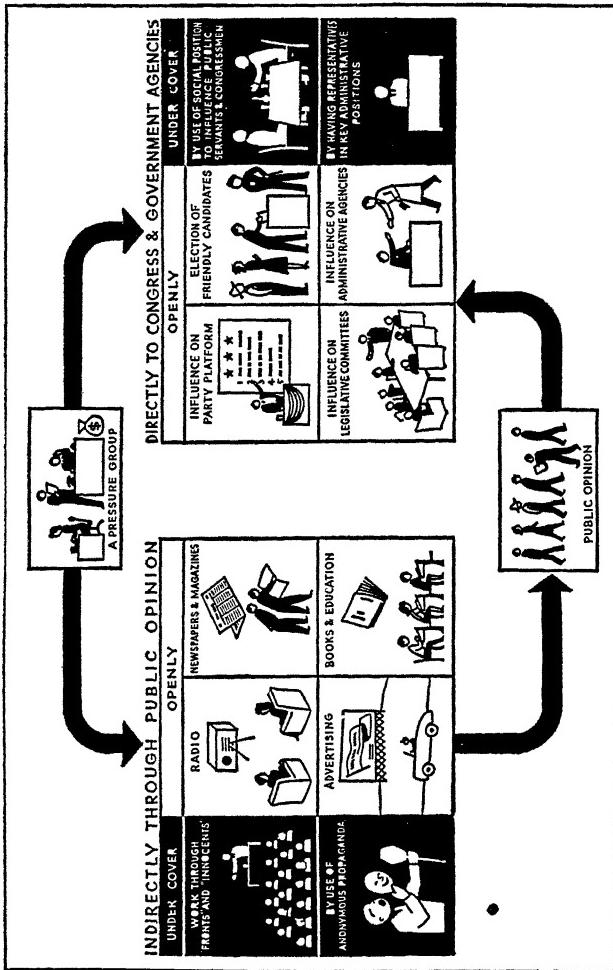
The Lobby. — Washington is beset by pressure groups called lobbyists. More than a hundred organizations, such as the Farm Bureau, the American Federation of Labor, the National Chamber of Commerce, military groups, and veterans, exert pressure on Congress and have been called the "Third House." Some lobbyists are former members of Congress who know



Thomas in *The Detroit News*

CHEMISTRY AND POLITICS

How PRESSURE GROUPS WORK



"the legislative ropes", some are outstanding lawyers hired by corporations to appear at committee hearings, some are experts employed by big business, and some are high-pressure salesmen, or easy spenders who capture the unwary Congressmen.

The "Invisible Government" is more extensive than the Washington Lobby. Legislative pressure groups employ high-pressure experts to prepare campaigns through the press, over the radio, with petitions, and by telegrams. In 1935 a holding company is said to have spent \$800,000 in an effort to defeat the Utility Holding Company Bill, and 250,000 politically threatening telegrams were paid for by utility companies.

Investigating Committees of Congress may be one of the standing committees, a special House Committee appointed by the Speaker, a Special Senate Committee appointed by the President of the Senate, or a Joint Committee from both houses. The following illustrate their purpose and value.

Expose Inefficiency — Responsibility for the Pearl Harbor catastrophe was extensively investigated by a Congressional Committee. Inefficiency can have as dire results as corruption.

Uncover Fraud by Officials — In the Teapot Dome investigation two valuable oil deposits were recaptured by the Government, and the Cabinet member who had turned them over to an oil company for a "loan" was sent to a Federal penitentiary.

Protect the People against Large-Scale Private Frauds — A Senate committee once uncovered a \$20,000,000 fraud being committed against thousands of innocent stockholders.

There is no power like the sovereign legislative power armed with the right of subpoena¹ and search that can tear away the veil behind which powerful and unscrupulous groups operate.

The Library of Congress. — The largest in the world — now occupies two buildings with 35 acres of floor space and shelving for 15,000,000 books, pamphlets, maps, pieces of music, manuscripts, and bound volumes of papers — including the original Declaration of Independence, the Constitution, and the Guten-

¹ Writ compelling one to testify or produce documents under penalty

berg Bible. The two buildings are on adjoining blocks, and books are carried from the center of one building to the center of the other at the rate of 25 feet a second. The Library has 200 research rooms — many of them air-conditioned.¹

Legislative Reorganization Act of 1946. — *Salary Increase for Congressmen* — Raises Congressmen's salaries from \$10,000 to \$12,500 plus \$2500 tax free expense allowance

Retirement Plan for Congressmen — A Congressman who elects to come under the pension system pays 6% of his salary into the pension fund; and at 62 years of age, if he has served a total of 6 years, he receives an annuity equal to $2\frac{1}{2}\%$ of his average annual salary multiplied by his years of service as a member. Congressmen who had spent six years in office when the Act passed are pensioned by making one small payment.

Number of Committees Reduced — The number of standing committees in the House was reduced from 48 to 19 and in the Senate from 33 to 15. Many committees which were of importance when created had ceased to be important, and each member of Congress was on so many committees that he could not attend all of them, much less help with investigations. Under its rules either house can increase the number of committees.

Committee Staffs — As a new approach to efficiency, each standing committee may choose four professional staff members on a permanent non-partisan basis to assist the chairman and ranking minority leader. The chairman may fix their salaries at from \$5000 to \$8000 a year. Each committee elects six clerks.

¹ Subordinate to the Librarian of Congress is the Register of Copyrights, whose office is in the new Library of Congress building in Washington. When a book is published, the notice of copyright should be printed on the title page or the page following. Promptly after publication two copies of the best edition must be sent to the register with an application for registration and a money order for two dollars payable to the Register of Copyrights. Application forms will be furnished upon request. For a work of art a photograph is sent. For photographs the fee is only one dollar if a certificate of registration is not desired. For anything else the fee is one dollar. Only one copy of lectures and dramatic or musical compositions not to be published need be sent. For an unpublished manuscript the fee is only one dollar.

Legislative Reference Service — The Librarian of Congress is authorized to appoint specialists to assist committees, if requested, to analyze pending legislation, collect pertinent material, make translations, and render nonpartisan assistance as needed.

Expenditure Analysis by the Comptroller General. — He is directed to analyze the expenditure of any executive branch of the Government to determine for committees whether their public funds have been economically and efficiently expended.

Regulation of Lobbying. — One who solicits or receives pay for the purpose of influencing legislation in Congress must file with the Clerk of the House and the Secretary of the Senate his name and address and that of any person who has contributed as much as \$500, or to whom he has paid as much as \$10. Public officials and editors are not considered lobbyists.

Private Bills cannot be passed by Congress. For example, Congress cannot vote a pension to an individual. The Veterans' Administration will pass on applications under a general law.

Wrongs Committed by Employees of the United States — Congress no longer wastes time determining the merits of claims against the United States for personal or property injury caused by federal employees in their official capacity. If the claim is for \$1000 or less the head of the Government Agency can settle with the aggrieved, if more than \$1000 is involved the case is heard by the United States District Court.

Consent to Build Bridges over Navigable Streams is now approved by the Chief of Engineers and the Secretary of War, thus relieving Congress of this former responsibility.

QUESTIONS ON THE TEXT

- 1 What is a *caucus*?
- 2 When are Representatives elected? How many months later do they succeed their predecessors? How many sessions do they serve? When do their terms end?
- 3 Who calls a new Congress to order?
- 4 How is the Speaker of the House chosen?
- 5 A term of Congress extends over how many years? Does the Senate ever have to reorganize?

- 6 Who makes the rules of procedure for each house?
- 7 How many members of each house are necessary to demand that all votes on any measure be recorded?
- 8 How long may a member of the Senate speak? What is meant by a *filibuster*?
- 9 How long may a member of the House speak? How may a debate be brought to a close in the House?
- 10 How may a bill be taken up out of its regular order?
11. What committee recommends changes in the rules of the House?
- 12 What duties are performed by the committees of the House and of the Senate? About how many committees are there? Name some of the most important ones
- 13 How are House committees chosen?
- 14 Who may introduce bills? About what proportion of the bills introduced become law?
- 15 Name the steps through which a bill must pass to become law
16. When a term of Congress comes to an end, what becomes of all the bills which have been introduced during that term?
- 17 Trace the course of the Lease-Lend Bill
- 18 What is the Congressional Record? How often is it issued?
- 19 What is the Committee of the Whole? Who presides? How many members constitute a quorum of this committee? Of the whole House?
- 20 Explain the making of the national budget
- 21 Explain the party caucus; lobby; invisible government
- 22 What is done by the investigating committees of Congress?
- 23 Explain the Legislative Reorganization Act of 1946

PROBLEMS FOR DISCUSSION

- 1 Instead of making busy people appear before the corresponding committees of the House and the Senate at different times would you favor having joint hearings of like committees? (See page 475)
- 2 According to the "seniority rule" the committee member of the majority party longest in continuous service is by custom elected chairman by a committee. This means experienced but elderly chairmen, who are not always in sympathy with needed legislation. Would you favor the election of the chairman on his merits? Should the election be by secret ballot?
- 3 Under Senate rules a Senator may speak as long as he desires, and this privilege is abused by *filibustering*. A two-thirds vote may force a vote, but there is usually a bare majority only on controversial matters. What prevents filibustering in the House? What could in the Senate?

4. For a temporary purpose Congress usually passes a *Joint Resolution* instead of an *Act*. Excepting proposed Constitutional amendments, a Joint Resolution is signed by the President and has the effect of law. A *Concurrent Resolution*, passed by the two houses, merely affects matters over which they have jurisdiction. A *Simple Resolution* is a *Senate Resolution* or *House Resolution* affecting one house. Which would the following be: declaration of war, declaration of neutrality, creating a joint committee of the two houses, creating a committee of one house, adjournment of the two houses, rules of either house, or admitting exhibition exhibits free of tariff duty?

5. The American Institute of Public Opinion uses as many as 1000 public opinion samplers in the forty-eight States to ask voters their opinion regarding questions of the day. This assists congressmen to determine the wishes of their constituents. Should the congressmen vote according to a public opinion poll or according to their own convictions after congressional investigations and debate? If public opinion is contrary to the results of an investigation should Congress immediately legislate their convictions or first try to educate the people?

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CHAPTER X

THE EXECUTIVE DEPARTMENT

I. THE PRESIDENT

Qualifications of the President. — The President of the United States must be a natural born citizen of the United States, must be at least thirty-five years of age, and must have been for fourteen years a resident within the United States.

Election of the President. — The framers of the Constitution intended to remove the office of chief magistrate so far as possible from the passions of the masses. Accordingly they arranged that the President should be chosen indirectly by a “college of electors” composed of as many members as there are representatives and senators in Congress. These electors were expected to use their own judgment and to select the fittest person for the presidency. This system of electing the President continues, but since Washington’s two terms (1789–1797), *i.e.*, since political parties became well defined, these electors have been merely honorary mouthpieces to vote as their political party directs.

Each State is entitled to as many electors as it has representatives and senators in Congress, and may select them in any manner that the State legislature desires. At first the legislatures themselves chose the electors, and chose those who were known to favor certain candidates. This method was considered undemocratic, and gradually the legislatures transferred the choice of the electors from themselves to the voters of the respective States.

To-day all States choose their quota of electors by a general State-wide ticket, thus a State whose Democratic voters are

in the majority will select all Democratic electors, and a State whose Republican voters are in the majority will select all Republican electors.¹ For instance, in 1884 the Democratic party in New York had a majority of only about 1000 in a total vote of more than 1,000,000, but all of the thirty-six Democratic electors were chosen and cast their votes for the Democratic candidate, Mr. Cleveland. On the other hand, the Republican party in Pennsylvania had a majority of 81,000 in a total vote of 866,000, and hence all of the Republican electors were chosen. In other words, in these two States Blaine received 80,000 more popular votes than Cleveland, but Cleveland received six more electoral votes than Blaine. If the Democrats had not carried New York State, Blaine would have been elected President of the United States instead of Cleveland.

On several occasions the presidential candidate who received the most popular votes throughout the country did not receive the most electoral votes, and was therefore not elected. For instance, in 1888 Harrison received 233 electoral votes against Cleveland's 168 and was elected, though Cleveland received about 100,000 more popular votes than Harrison. This was due to the fact that Cleveland's electors piled up votes in the Southern States, whereas the Harrison electors carried Northern States by small majorities. The table on page 174 shows exactly how the popular vote and electoral vote were cast for each candidate at this election.

In brief, the President is to-day elected as follows: Each political party nominates a candidate for the presidency at a

¹ There are numerous instances where the electoral vote of a State has been divided, even with the State-wide ticket. In 1908 Maryland gave two electoral votes to Taft and six to Bryan, although a small majority of the voters of the State thought they were casting their full vote for Taft. The election was so close that the few voters who blundered by marking their ballots for the first-named Taft electors only, believing that they were thereby voting for all of the Taft electors, caused six votes to go to Bryan. On another occasion one of the electors in California was defeated because of a decision he had rendered as a judge.

STATES	POPULAR VOTE		ELECTORAL VOTE	
	Harrison	Cleveland	Harrison	Cleveland
Alabama .	56,197	117,320	—	10
Arkansas	58,752	85,962	—	7
California	124,816	117,729	8	—
Colorado .	50,774	37,567	3	—
Connecticut	74,584	74,920	—	6
Delaware	12,973	16,414	—	3
Florida	26,657	39,561	—	4
Georgia	40,496	100,499	—	12
Illinois	370,473	348,278	22	—
Indiana	263,361	261,013	15	—
Iowa .	211,598	179,887	13	—
Kansas	182,934	103,744	9	—
Kentucky	155,134	183,800	—	13
Louisiana	30,484	85,032	—	8
Maine .	73,734	50,481	6	—
Maryland	99,986	106,168	—	8
Massachusetts	183,892	151,856	14	—
Michigan	236,370	213,459	13	—
Minnesota	142,492	104,385	7	—
Mississippi	30,096	85,471	—	9
Missouri	236,257	261,974	—	16
Nebraska .	108,425	80,552	5	—
Nevada	7,229	5,362	3	—
New Hampshire	45,728	43,458	4	—
New Jersey	144,344	151,493	—	9
New York	648,759	635,757	36	—
North Carolina	134,784	147,902	—	11
Ohio .	416,054	396,455	23	—
Oregon	33,291	26,522	3	—
Pennsylvania	526,091	446,633	30	—
Rhode Island	21,968	17,530	4	—
South Carolina	13,736	65,825	—	9
Tennessee	138,988	158,779	—	12
Texas	88,422	234,883	—	13
Vermont .	45,192	16,785	4	—
Virginia	150,438	151,977	—	12
West Virginia .	77,791	79,664	—	6
Wisconsin .	176,553	155,232	11	—
Total .	5,439,853	5,540,329	233	168

national convention held in June or July of the "presidential year." About the same time the various parties in each State nominate, in any manner the State legislature permits, the quota of electors to which the State is entitled. These nominees are voted for in the various States on the Tuesday following the first Monday of November in each year divisible by 4. To illustrate, if a Democrat in Wisconsin votes for the 12 Democratic electors to which the State is entitled he places an X after the Democratic candidate. Some States print the names of all party electors.

If, after the State election board has received all the returns of the election from the various local election boards, it is found that the Democratic electors have received more votes than any other set of electors, they assemble at the capital city,¹ Madison, and cast their votes the first Monday after the second Wednesday in December. The votes are signed by each elector, sealed, and sent by registered mail to the president of the United States Senate.² Other States follow the same method.

On the sixth day of January next following, the president of the Senate opens these returns and, in the presence of the two houses, counts them and declares the candidate elected who has received the majority of electoral votes (now 531). If no candidate has a majority (266) of all the electoral votes, the House of Representatives elects one of the three leading candidates, the representatives from each of the 48 States casting one vote. If no candidate receives a majority (25) of these votes

¹ The law provides that the electors shall meet "at such place in each State as the legislature of such State shall direct." All of the legislatures have designated their State capitals.

² Two lists of votes are sent to the State Secretary of State, two to the U. S. Secretary of State, one to the president of the Senate, and one to the local U. S. District Judge. If the president of the Senate, or the U. S. Secretary of State, does not receive the votes of any State and cannot obtain them from the State Secretary of State by the 4th Wednesday of December, he sends a special messenger for the votes filed with the District Judge.

Official Presidential Ballot

Make a cross (X) or other mark in the square opposite the names of the candidates for whose electors you desire to vote Vote in ONE square only

FRANKLIN D. ROOSEVELT ----- President } Democrat
HARRY S TRUMAN ----- Vice President }

THOMAS E. DEWEY ----- President } Republican
JOHN W. BRICKER ----- Vice President }

NORMAN THOMAS ----- President } Socialist
DARLINGTON HOOPES ----- Vice President }

EDWARD A. TEICHERT ----- President } Independent
(Socialist Labor Party)
ARIN A. ALBAUGH ----- Vice President }

WISCONSIN PRESIDENTIAL BALLOT FOR THE 1944 ELECTION

In most States the names of the presidential and vice-presidential candidates appear on the ballot with the candidates for other offices, but Wisconsin has a separate ballot for these important officials

Likewise, in most States the names of the presidential electors are printed on the ballot, but Wisconsin, like Massachusetts (page 456), omits the names of the electors

The United States Constitution provides that each State legislature may determine the method of choosing presidential electors, therefore a legislature may have the electors named, and direct them to vote according to the wishes of the voters — that is, for the presidential and vice-presidential candidates who receive the most popular votes.

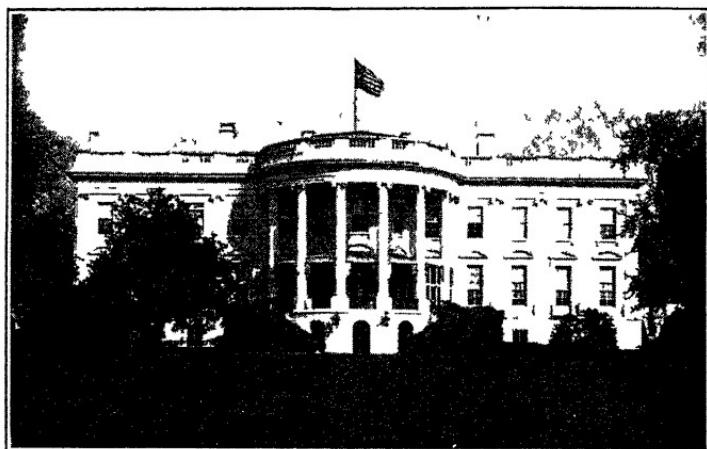
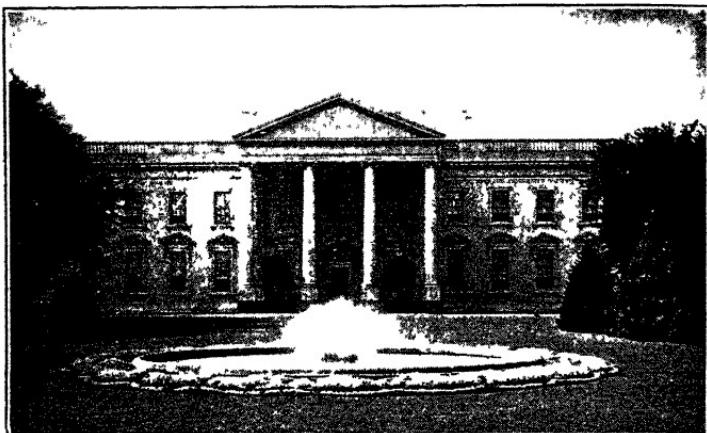
by the twentieth of January next following, the newly elected Vice-President is inaugurated as President¹

The uselessness of our Electoral College was expressed in an interesting way by Elbert Hubbard in the following sentences: "The original argument [in favor of the Electoral College] was that the people should not vote directly for President, because the candidate might live a long way off, and the voter could not know whether he was fit or not. So they let the citizen vote for a wise and honest elector he knew. The result is that we all now know the candidates for President, but we do not know the electors. The Electoral College in America is just about as useful as the two buttons on the back of a man's coat, put there originally to support a sword belt. We have discarded the sword, yet we cling to our buttons."

Nevertheless, it would not be practical to elect the President by a direct popular vote of the people: (1) because a State with unrestricted suffrage casts many more votes than a State of the same population with suffrage restricted by educational qualifications, and (2) because the election officials of a one-party State would be tempted to "stuff the ballot box" if every vote counted.

Presidential electors, however, should be dispensed with, each State retaining its apportioned number of electoral votes. Then the voters would cast their ballots directly for the presidential candidate of their preference, and the candidate receiving the most popular votes in each State would be entitled to all the electoral votes of the State. This method of electing the President would save the trouble of nominating presidential electors, the cost of printing their names on the ballots, the expense of having them assemble at the State capital or other convenient place to cast their votes, and would avoid the difficulties arising from the death of electors before their votes are cast.

¹ Two vital objections have been suggested against electing the President by the House: (1) a small State, like Nevada, has the same vote as a large State, like New York; and (2) if the House membership of a State divides equally, the State loses its vote. Fortunately, an election is seldom thrown into the House.



THE WHITE HOUSE

Above Front view *Below* Rear view Free rent of this \$2,500,000 residence is a standing offer to some natural born American citizen every four years

Term of the President.—The President-elect is inducted into office on January 20th following his election, and serves until the 20th of January four years later. There is no legal

limit to the number of terms he may serve, but until Roosevelt's election in 1940, custom had limited it to two terms.

Succession to the Presidency.—The Constitution provides that in case the President is removed by impeachment, death, resignation, or inability, his duties shall devolve upon the Vice-President, and by the Presidential Succession Act of 1886 it is provided that in case of the inability of both the President and Vice-President to perform the duties of the office, the cabinet officers shall succeed in the following order: (1) Secretary of State; (2) Secretary of the Treasury; (3) Secretary of War; (4) Attorney-General; (5) Postmaster-General; (6) Secretary of the Navy; (7) Secretary of the Interior

Compensation of the President.—The President's salary is determined by Congress, but the amount may be neither increased nor diminished during the period for which he is elected. It is now \$75,000 a year plus traveling and official entertainment expenses according to need,¹ and the use of the Executive Mansion, commonly called "The White House"²

¹ "Official entertainment" includes such items as a White House Dinner for the visiting King and Queen of Great Britain or President of Haiti, a diplomatic reception, a judicial reception, a congressional reception, an army and navy reception, and a New Year's reception; a dinner to the diplomatic corps, a dinner to the Supreme Court, and a dinner to the Speaker of the House, breakfasts in the official dining room for congressmen with whom he must confer regarding legislation or foreign policies, with the editor of the New York Times, the manager of the Hearst chain of publications, and representatives of influential organizations without end.

Among the half hundred publicly paid employees for the White House and grounds some twenty are household servants whom the President must feed from his private purse. Of course the sausages and cakes consumed at official breakfasts are paid for under "official entertainment"; and if near-by servants should note some surviving official sausages and cakes and should eat them up, they presumably do it as official characters.

² Other appropriations made in connection with the presidential office for 1946-1947 were For Executive Mansion — care, maintenance, repair, refurnishing, improvement, heating and lighting, greenhouses and grounds, \$184,000, additions to Executive Mansion and grounds, \$680,000

For Executive Office — three secretaries and six administrative assistants at \$10,000 a year each, also clerks, stenographers, printing and binding,

Duties and Powers of the President.—In order that the President may perform the various duties which the Constitution, Acts of Congress, treaties, and customs place upon him, he has to have corresponding powers. As the head of the executive branch of government it is his duty to see that the Constitution, law and treaties, and decisions of the Federal courts are enforced. To perform this duty he has been given power to appoint and dismiss thousands of officers; command the army and navy; call extra sessions of Congress, recommend proper legislation, and veto improper bills. To assist the President in his strenuous duties, he appoints three Secretaries, and six Administrative Assistants at \$10,000 a year each.

An aggressive President who becomes party leader or a national hero can greatly increase his powers by a loose construction of the Constitution. During the Civil War Congress permitted Lincoln to become practically a dictator. He issued a proclamation suspending the writ of *habeas corpus*, which Congress subsequently legalized. He also issued the emancipation proclamations of 1862 and 1863, declaring all slaves in the insurgent States to be thenceforth free; and he secured the adoption of the Thirteenth Amendment in 1865 legalizing the proclamations. Though the President cannot declare war he can at any time bring on war, by ordering the army into foreign territory, or by managing foreign affairs in such a manner that a foreign nation will become the aggressor.

Power of Appointment.—The Constitution provides that the President "shall nominate, and by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States whose appointments are not

automobiles, travel, and official entertainment, \$793,660. There is an Emergency Fund of \$5,000,000 for foreign enlightenment, secret service, etc.

A pension is usually offered the widow of a President by Congress. In 1946 Mrs Harrison, Cleveland (Preston), Theodore Roosevelt, Wilson, and Coolidge received a pension of \$5000 a year.

herein otherwise provided for,¹ and which shall be established by law, but the Congress may by law vest the appointment of such inferior officers as they think proper in the President alone, in the courts of law,² or in the heads of the departments."



THE 1946 AMERICAN LEAGUE BASEBALL SEASON OPENS

President Harry S Truman, a left-hander, throws out the first ball, with an enthusiastic crowd looking on

Excluding pensioners, relievers, and compensated unemployed, legislative and judicial branches, the army, navy, marine corps, coast guard, and government of the District of Columbia, the United States has some 2,500,000 in the executive civil service. Of these the President unaided appoints very few, with the consent of the Senate he appoints about 16,000 of the most im-

¹ The officers whose appointments are "otherwise provided for" are the President, Vice-President, electors, senators, representatives, and officers of the Senate and House of Representatives.

² Courts of law appoint clerks, reporters, and other minor ministerial officers.

portant, perhaps half are selected by civil service competitive examinations; and the remainder, some of whom are laborers, are appointed directly or indirectly by cabinet officers. Since cabinet officers are themselves dependent upon the President, he can influence many of these appointments if he desires.

The President alone appoints three secretaries, and six assistants, nicknamed "Little Presidents," at \$10,000 a year each. These assist the President in personnel problems, public relations, publicity, as a go-between for the President and Congress, in defense activities, and the like. The President may appoint confidential officers for secret missions. He is usually given a free hand by the Senate in choosing his Cabinet.

The President with the consent of the Senate appoints the most important officers¹. For the positions to be filled within a congressional district, the President usually confers with the representative from that district if he is of the same party; for the more important ones, the senators will be consulted. When the Senate receives the names of persons selected for positions, it refers them to the appropriate standing committee.

If the majority of the Senate is of the President's party (which is usually the case), the Senate will ratify only those appointments which are approved by the senators of the President's party from the State in which the offices in question are to be filled. This practice is known as "senatorial courtesy." It applies only to officials who serve within the senator's State. It does not apply to offices in the foreign service, army and navy, or those in the District of Columbia.

The Civil Service Commission examines applicants for more

¹ This class includes such officers as ambassadors, ministers, and consuls; Federal judges, most military and naval officers, cabinet officers and their immediate subordinates, the Treasurer of the United States, the Comptroller of the Currency, superintendents of mints, commissioners of internal revenue, collectors of customs and internal revenue, heads of independent administrative establishments such as the interstate commerce commission, district attorneys and marshals, territorial governors, and postmasters of the first, second, and third classes (any postmaster whose salary is \$1100 or more).

than a million positions, and the President and other higher officers make appointments according to civil service rules.¹

Heads of Departments directly or indirectly appoint several hundred thousand employees without civil service examinations. Many of these are laborers

Term of Officers. — Most of the important officials are appointed for four years.² The cabinet officers are appointed to serve during the pleasure of the President, and they almost always resign when a new President enters office. The terms of minor officers and laborers vary, and persons who enter the civil service through competitive examinations hold office for an indefinite term.

Power of Removal. — The President may remove without the consent of the Senate any civil executive officer whom he appoints.³ Judges may be removed by impeachment proceedings

¹ This class includes most of the clerks in Washington, all postmasters, first and second class post-office clerks, railway mail clerks, letter carriers, rural free-delivery men, and employees in the Indian service, custom houses, revenue service, and the government printing office.

² Four years is the term for territorial judges and governors, marshals, district attorneys, customs collectors, and chiefs of many bureaus.

³ The Constitution provides impeachment for removing civil officers, but to use this cumbersome method to remove a minor officer would be like shooting birds with artillery intended for battleships. Therefore in 1926 the United States Supreme Court sustained the right of the President to remove all civil officers appointed by the President except judges (*Myers v U S*); and except quasi-legislative and quasi-judicial officers under a decision of 1935 (*Humphrey's Executor v U S*). This latter decision grew out of President Roosevelt's attempt to remove a Federal Trade Commissioner on the ground that "the aims and purposes of the Administration with respect to the work of the Commission can be carried out most effectively with personnel of my own selection." The Supreme Court decided that the President can dismiss a Federal Trade Commissioner only for "inefficiency, neglect of duty, or malfeasance in office," as provided by Congress.

The President may dismiss army and navy officers in time of war, but in time of peace he dismisses them only in pursuance of a sentence of a general court-martial. He may drop an officer who has been absent from duty three months without leave. And he may, in certain cases, discharge for inefficiency on recommendation of a court of inquiry.

only. The President's power to remove executive officers may not be restricted by Congress and may be used for political purposes as well as for ridding the service of incompetent and



THE "BIG THREE"

This is an informal portrait of the "Big Three" taken at Potsdam, Germany, during the conference at which time the ultimatum was issued to Japan. Left to right British Prime Minister Clement Attlee, President Harry S Truman, and Soviet Generalissimo Josef Stalin

unfit persons. Those who have entered office through competitive examinations may be removed or reduced for any cause which will promote the efficiency of the service, but the President is directed to impose like penalties for like offenses, and no political or religious discrimination is supposed to be shown.

Receiving Diplomatic Representatives. — The President receives ambassadors and ministers sent to the United States. Upon an appointed day the Secretary of State escorts a new minister or ambassador to the White House, where the latter delivers

a short ceremonial address to which the President responds. The minister or ambassador is then recognized as the official organ of communication between the United States government and the government represented. When the independence of a country is in doubt, or the representative is personally objectionable to the United States government, the President may refuse to receive him, and the President may request a foreign country to recall a representative, or dismiss one for conduct offensive to the government.

Treaty Power. — If the United States desires to enter into commercial compacts, define its boundaries, make peace, or enter into any other compacts appropriate for international agreements, the President, with the assistance of the State Department, may negotiate a treaty with the other state or states concerned. The Constitution provides that a vote of two thirds of the Senate present is necessary before the treaty may be signed by the President or any representatives of the United States government.¹

Origin of the Two-Thirds Rule — The small original Senate of twenty-six members was considered a suitable council to advise the President as to foreign relations. Secrecy was then considered necessary in debating foreign relations, and it was not believed that secrecy could be maintained in a group as large as the House, and the two-thirds requirement compensated the House for exclusion from treaty-making deliberations.

Two-Thirds Rule Unpopular — Men like George Washington and Alexander Hamilton, and in fact most Presidents and Secretaries of State, have always disliked the two-thirds rule, because

¹ As a treaty is merely a law, Congress may repeal it by passing a law contrary to its provisions, or an existing law may be repealed by the terms of a treaty. In other words, when a treaty and a law of Congress conflict, a court will consider the one last enacted to be the law. A treaty which is contrary to the Constitution is void, but the courts have, as yet, never declared one to be contrary to the Constitution.

Money cannot be appropriated by a treaty, but in practice whenever the Senate has agreed to a treaty providing for the payment of money, the House has concurred on a bill appropriating it.

it makes it difficult for our Government to put through any treaty which might promote friendly and constructive foreign relations.

John Hay, one of our greatest Secretaries of State, said . “The irreparable mistake of our Constitution puts it into the power of one-third plus one of the Senate to meet with a categorical veto any treaty negotiated by the President, even though it might have the hearty approval of nine-tenths of the people of the nation.”

Two-Thirds Rule Means Rule by the Minority — Turn the two-thirds rule about, and it is a one-third rule. One third of the senators present, plus one vote, are enough to defeat a treaty. For instance, after World War I the Treaty of Versailles, creating the League of Nations, was defeated by an affirmative vote of 49 to 36 because it was seven votes short of the necessary two thirds And in 1935 the World Court got a vote of 52 to 36, but lacked seven votes of the necessary two thirds.

So to secure the passage of a treaty the President must conform to the wishes of the minority — often sacrificing much that is desired by the majority.

The President Has to Resort to Roundabout Methods. — When a minority of the Senate rejected a treaty for the annexation of Texas, the President accomplished annexation by a *joint resolution* of the two houses, which requires only a majority of each. Hawaii was also annexed by a *joint resolution* after annexation had failed by treaty

President Franklin D. Roosevelt often promoted his foreign policies by *executive agreements* with executives of other countries. An extreme case is when, under defense emergencies, he traded 50 destroyers to Great Britain for 99-year leases to military bases on islands extending from Newfoundland to South America — when the minority of the Senate would probably have defeated it, or at least filibustered against it until it was too late for the destroyers to save Great Britain against Hitler's submarine starvation campaign

Proposed Ratification by Majority of Both Houses. — The Senate is no longer a small council to advise on treaties; and neither can it keep secrets. Secret counsel now comes from an enlarged Department of State, confidential advisers from the



Courtesy P.M.

A treaty entering the Senate is like a bull going into the arena. No one can say just how or when the final blow will fall. But one thing is certain—it will never leave the arena alive.

— John Hay, former Secretary of State

Senate or otherwise, and from the Cabinet. So why not by Constitutional amendment allow the President, and Department of State, and Cabinet, and Congress elected by the people, to determine our foreign relations, instead of a minority of willful senators?

Military Powers of the President. — As the Constitution makes the President commander-in-chief of the army and navy, he has complete control over their movements. For instance,

President Theodore Roosevelt sent the navy around the world in order that the men might gain experience and that other nations might be impressed with its strength. Some congressmen objected to the cost and threatened to withhold the necessary appropriation. Mr Roosevelt is said to have replied: "Very well, the existing appropriation will carry the navy half-way around the world and if Congress chooses to leave it on the other side, all right." President Polk brought on the Mexican War by ordering the troops across the Nueces River, and President Franklin Roosevelt sent the army and navy into the four corners of the world against the Axis Powers.

The President directs campaigns and could take personal command of the army or navy if he wished. So long as he acts within the rules of international law he may do anything to weaken the power of the enemy. In the exercise of this power President Lincoln issued the Emancipation Proclamation during the Civil War, freeing the slaves in certain Southern States.

Whenever the enforcement of Federal laws is prevented by combinations too strong to be suppressed by the courts with their marshals, the President may send United States regular troops to protect the mails and interstate commerce, as Cleveland did in 1894 during the Pullman strike at Chicago; or he may call out State militia, as Lincoln did in 1861. When the army occupies the enemy's territory, the President, as commander-in-chief, may assume control of the enemy government, as President Lincoln did in certain Southern States during the Civil War, or as President McKinley did in Puerto Rico and in the Philippines.

In case of domestic violence, the legislature of a State, or the governor, if the legislature is not in session, may request the President to send regular troops into the State to restore order.

President's Part in Legislation. — The President is primarily an executive officer, but the Constitution bestows upon him many powers which enable him to influence legislation.

Presidential Messages. — When Congress meets in January, the President sends his annual message to Congress, and from time to time during the term he sends special messages. In these messages he recommends the enactment of certain laws. They may be laws which the platform pledged the party to enact, laws recommended by heads of the departments of administration, or possibly a personal hobby. Most presidents have had their messages read in each house by a clerk, but some presidents read their messages to the two houses assembled in one of the chambers. Different parts of the messages are referred to appropriate committees. Full reports from the heads of departments usually accompany the annual message. The consideration of the recommendations depends upon the influence of the President. The message is at least valuable to form public opinion. It is broadcast by radio, and the daily papers publish it in full with extensive comment.

The Budget. — When Congress meets, the President presents the annual budget with estimates of receipts and proposed expenditures. This is compiled from the requests of the spending agencies of the Government by the Director of the Budget whom the President appoints to head the Budget Bureau.

Extraordinary Sessions — A President may call an extra session of Congress whenever he deems it proper. For instance, in 1939 Roosevelt called Congress to amend the Neutrality Act.

Issue of Ordinances — When the President must execute a law which does not specify means for its enforcement, it is necessary for him to issue an ordinance prescribing uniform means for its enforcement. Inasmuch as the Constitution makes the President commander-in-chief of the army and navy he may issue ordinances for their regulation. Congress frequently authorizes the President to issue ordinances for specific purposes. For instance, Congress has authorized the President to govern the Panama Canal Zone, and in so doing he has the power to issue legislative ordinances. Again, the 1930 Tariff Act authorizes the President to raise or lower tariff schedules; and in 1931,

when fresh eggs dropped to 12 cents a dozen, President Hoover increased the duty on dried eggs from 18 to 27 cents a pound, thus removing the competition of "China eggs."

In 1934 Congress authorized the President to lower tariff rates 50% on any products from any country that lowers its rates a like amount on products from the United States; and in 1945 a further 50% on existing rates, or a maximum cut of 75%.

During the depression Congress heaped powers upon President Franklin Roosevelt. Under such powers he ordered all banks closed until they could be examined to restore confidence in those reopened. He placed an embargo on the shipment of gold from the United States, ordered everybody, including banks, to bring their gold bullion, coin, and certificates to the Treasury and accept other money for it; and revalued the gold dollar at 59 06 % of its former content, thus making several billion dollars profit on the gold forcibly bought in under the government's right of eminent domain. Then he ordered the surrender of silver bullion and bought quantities at an advanced price, hoping to increase the price of silver in relationship to paper money and gold.

Under defense emergency powers President Roosevelt traded 50 destroyers for military bases on British islands, and under the Lease-Lend Act of 1941 he determined what defense articles should be furnished to the government of any country whose defense he deemed vital to the defense of the United States.

When Congress disagreed upon the reorganization of administrative departments it authorized the President to accomplish it.

The President issued these orders under constitutional or congressional authority; and in 1935 Congress provided that such orders must be printed in the new daily Federal Register.

The Veto. — Every bill or joint resolution¹ passed by Congress must be presented to the President for his signature. If he signs, it becomes a law; if he disapproves, he must return the bill to the house in which it originated, giving his reason for his

¹ Joint resolutions proposing amendments to the Constitution are not sent to the President. This is the only exception.

refusal to sign. The house may then reconsider it, and if the bill passes both houses by a two-thirds vote, it becomes a law over the President's veto. If the President fails to return a measure within ten days, Sundays excepted, after it is presented to him, it becomes a law without his signature, unless Congress prevents its return by adjourning, in which case it does not become a law. When Congress adjourns before the ten-day period has expired, the President may suppress quietly the bills to which he entertains objection by merely allowing them to remain on his table — die in his pocket, as it were. This is known as the "pocket veto."

When a bill is presented to the President he naturally sends a copy of it to the administrative department that will have it to enforce, for an opinion ; and it has become the President's practice to give a reason for every bill he vetoes.

The veto power enables the President, who is the only representative of *all* the people, to act as a check upon the legislative branch. Unfortunately the President must sign or veto a bill in its entirety. If he could veto certain items in appropriation bills, as the governors of many States may do, a bold President could save much public money

Extra-Legal Methods. — The President cannot introduce a bill into Congress¹, but if he is party leader he cooperates with any committee of Congress that is preparing an important bill. For instance, when the Currency Bill was being prepared during the summer of 1913, Congressman Glass, Chairman of the Banking and Currency Committee, was continually conferring with President Wilson, and relying upon his influence as party leader to secure the passage of the measure. Franklin Roosevelt was especially active in securing legislation.

There are many indirect methods by which a President can persuade congressmen to support his measures. Abraham

¹ At least one bill sent to the Speaker of the House by Franklin Roosevelt was referred to a committee without bearing the name of a Congressman. But this is unusual.

Lincoln allowed a congressman to name the appointee to a \$20,000 position in the Custom House of New York in consideration of a vote which was necessary to admit Nevada into the Union, for without Nevada's vote the Thirteenth Amendment to the Constitution of the United States could not have been ratified. Presidents often withhold appointments until important bills are passed by Congressmen who wish appointment for self or friend. In 1938 Franklin Roosevelt unsuccessfully "took the stump" against congressmen who had not supported his measures.

Pardoning Power. — The pardoning power of the President is absolute for all offenses against the United States, except in cases of impeachment, where a pardon may never be granted. Of course he cannot pardon offenses against State laws; but for crimes committed in territories or the District of Columbia, or offenses against Federal laws such as the postal, revenue, or banking laws, the accused may be pardoned either before or after conviction.

If an individual is involved, a pardon is seldom granted before conviction. But in 1889 President Harrison issued a proclamation known as *amnesty*, which pardoned the Mormons who had violated the anti-polygamy laws applying to the territories of the United States. The President may pardon conditionally provided the condition is reasonable, or he may *commute* a sentence by decreasing the penalty. He may reduce a fine or cancel it before it is paid.

A central Board of Parole, created by Congress in 1930, has authority to release Federal prisoners on parole with the assent of the Attorney-General.

Independence of the President. — The President, as head of one of the three branches of government, must have a degree of independence of the other two branches, else he would not remain a check upon them. So long as the President is in office — and he may be removed only by impeachment — he may not be arrested. But as soon as he is out of office he may be punished for any crime committed by him while in office. The courts

can neither restrain nor compel him to perform any act. When Aaron Burr was being tried for treason, Chief Justice Marshall issued a subpoena requiring President Jefferson to produce a certain paper relating to Burr's acts. Jefferson refused to obey. He reasoned that the duties of a President could not be performed if he could be compelled to obey court writs.

II. THE VICE-PRESIDENT

The Vice-President is elected by the same electors and in the same manner as the President, except that when no Vice-Presidential candidate receives a majority of the electoral votes



SENATOR BARKLEY AND FORMER VICE-PRESIDENT WALLACE WITH
PRESIDENT TRUMAN

the Vice-President is chosen by the Senate from the two candidates receiving the highest number of electoral votes.

The qualifications for the Vice-President are the same as for the President. His salary is \$15,000 and his only legal duty, unless he succeeds to the presidency, is to preside over the Senate. As he is not a member of the Senate, does not appoint commit-

tees, and has no vote except in case of a tie, he has little influence.

A candidate for the Vice-Presidency is not always nominated because of his fitness to become President. He may be nominated to help carry a doubtful State, to appease a defeated faction in the national nominating convention, or to replenish the party treasury. Yet it is not right to call him the "spare tire."

President Roosevelt made Mr Wallace an executive Vice President by appointing him Chairman of the Board of Economic Warfare, and by having him attend Cabinet meetings. There are three good reasons why a Vice-President should attend. first, he has usually had many years of legislative experience to contribute; second, he is a link between the Cabinet and the Senate; and third, if the President should die, the Vice-President would be in closer touch with the President's problems

III. THE CABINET

In order that the President may have assistants in executing the laws, Congress has authorized him to appoint ten chiefs¹ Washington was authorized to appoint only three: a Secretary of State, a Secretary of the Treasury, and a Secretary of War.² As governmental duties increased, however, the work of administration was further divided and Congress created new departments with secretaries. There are now ten chief assistants

NAME OF OFFICE	OFFICE CREATED IN
1. The Secretary of State	1789
2 The Secretary of the Treasury	1789
3. The Secretary of War	1789
4. The Attorney-General	1789
5. The Postmaster-General	1794
6. The Secretary of the Navy	1798
7 The Secretary of the Interior	1849
8 The Secretary of Agriculture	1889
9 The Secretary of Commerce	1903
10 The Secretary of Labor	1913

¹ The statutes creating these offices provide for the assent of the Senate, but in practice the Senate seldom interferes with the President's choice

² The Attorney-General was also considered a member of Washington's Cabinet, but he was not the head of a department until 1870.

These ten secretaries are appointed by the President for indefinite terms, and as he alone is responsible for the official action of any secretary he may dismiss him at any time. A new President always selects some new Cabinet officers, and a President of a different party from his predecessor selects an entirely new Cabinet. The Cabinet meets twice a week, or as often as the President desires, in the executive offices, which adjoin the White House. Although the meetings are secret, officials may attend by invitation. The President meets the chiefs of each executive department alone to discuss the less important affairs; he meets advisory groups for special matters.

There is no provision for the Cabinet either in the Constitution or in the Statutes of Congress. The Constitution says, "The President may require the opinion in writing of the principal officers in each of the executive departments upon any subject relating to the duties of their respective offices." (Art II, Sec 2.) At first Washington requested written opinions, but by his second term he held secret meetings, which were called "cabinet meetings."

The President is not compelled to take the advice of the Cabinet contrary to his own judgment. This is illustrated by an incident told of President Lincoln. He brought before his Cabinet a proposition which he favored, but every member of his Cabinet voted against it. He announced the vote, "Seven nays, one aye; the ayes have it."

OUTLINE FOR REVIEW

The Executive Department

I. PRESIDENT

(A) Qualifications.

- (1) Natural born citizen of the United States.
- (2) Thirty-five years of age
- (3) Fourteen years a resident of the United States.

(B) Elected.

- (1) By Electoral College, or
- (2) By House of Representatives.

- (C) Oath: Taken when inaugurated.
- (D) Term. Four years
- (E) Vacancy.
 - (1) Filled by Vice-President, or
 - (2) By Cabinet Officer, according to law of presidential succession
- (F) Salary.
 - (1) \$75,000 and allowances for traveling and official entertainment
 - (2) White House, servants, autos, etc
- (G) Powers and Duties:
 - (1) Executes the laws of the nation.
 - (2) Appoints ministers, consuls, judges, postmasters, and other officers
 - (3) May remove officers and fill vacancies
 - (4) Receives foreign ministers, etc
 - (5) May make treaties with consent of two thirds of Senate
 - (6) Commander-in-Chief of the army and navy
 - (7) Delivers a message to Congress each January and at other times
 - (8) May call special session of Congress or of either House
 - (9) Signs or vetoes bills passed by Congress
 - (10) May grant reprieves and pardons.
- (H) Removal:
 - (1) May be impeached by majority of House
 - (2) May be tried and convicted by two thirds of Senate.

II VICE-PRESIDENT.

- (A) Qualifications: The same as required for the President
- (B) Elected
 - (1) By the Electoral College, or
 - (2) By the Senate
- (C) Term: Four years

(D) Vacancy:	Not filled until next presidential election
(E) Salary.	\$15,000.
(F) Duty	Presides over Senate and votes only in case of tie. Becomes President if President dies or is in any way disqualified.

III TEN CABINET MEMBERS (non-official)

(A) Qualifications	None prescribed
(B) Appointed:	By President, with consent of Senate
(C) Term	Indefinite.
(D) Salary.	\$15,000
(E) Duty:	To advise President and administer their respective departments according to the will of the President.

QUESTIONS ON THE TEXT

1. What are the qualifications for the presidency?
2. Explain in detail how a President is elected.
3. For what term is a President chosen? May he succeed himself?
4. Who succeeds to the presidency in case the President does not complete his term?
5. What is the annual salary of the President?
6. What are the powers of the President?
7. What officers are appointed by the President alone? President and Senate? President and Civil Service Commission?
8. How are other officers chosen?
9. For what term are the various officers chosen?
10. What officers may be removed by the President?
11. Who appoints diplomatic officers? Who receives those from foreign countries?
12. Who makes treaties? If a treaty and law of Congress conflict, which will the courts enforce?
13. What powers has the President as commander-in-chief of the army and navy?
14. Explain the President's power over legislation by means of (1) messages, (2) extraordinary sessions, (3) the issuance of ordinances, (4) the veto, and (5) extra-legal methods

15 What persons may be pardoned by the President? May he pardon such persons conditionally? May he return a fine? May he commute a sentence? What is meant by *amnesty*?

16 Can a court compel the President to perform a duty? Can he be punished after he is out of office for a crime committed while in office?

17 How is the Vice-President chosen? Term? Qualifications? Salary? Duties?

18 How many members are there in the President's Cabinet? Name as many as you can. For what term are they appointed? Salary? Need the President accept their advice?

PROBLEMS FOR DISCUSSION

1 What Article of the Constitution treats of the President?

2 Explain how Mr Harrison was elected President in 1888 although Mr Cleveland received more popular votes.

3 The indirect method of electing the President of the United States is no longer of value. Discuss a better method.

4 How could the President's term be increased to six years?

5 In case no candidate for President receives a majority of the electoral votes, the House of Representatives proceeds to choose a President from the three highest candidates. The representatives from each State have one vote. Following the election of 1912 the House had a majority of Democrats from 24 States and a majority of Republicans from 24 States. Had the election been thrown into the House as was probable because of the three candidates, what would have happened?

6. When Franklin Roosevelt became President, Congress heaped powers upon him until some called him dictator. What important difference was there between his powers and those of Mussolini? Were his powers more like those of the Prime Minister of England or the dictator of Italy?

7. When the President is inaugurated, he swears that he will, to the best of his ability, "preserve, protect, and defend the Constitution of the United States." Does "preserve" mean to follow the Constitution strictly to the letter, or does it mean to keep it fresh and up to the times?

8. Why is the President usually unrestricted in selecting and dismissing the members of his Cabinet?

9. What Federal officers or employees reside or have duties in your city or county? How are they appointed?

10. The President has absolute pardoning power for all offenses committed against the United States, except in cases of impeachment
Under what circumstances do you think this power should be used?

11. Why is the vice-presidential office one of the worst features of our government?

12 Would a State with a large population or one with a small population gain influence by the popular direct election of the President? Would you vote *for* or *against* it if you lived in Nevada? In New York?

13 Would the popular direct election of the President be an incentive for honest or dishonest elections in a one-party State? In the direct election every vote would count. Would it be to the advantage of urban or rural States?

14 Should a President press his policies upon Congress with all of his power and influence, or should he leave legislation wholly to Congress and merely enforce the laws which Congress passes unaided?

15 The first Chinese Exclusion Act, passed in 1882, was in conflict with a treaty with China, which provided for the admission of Chinese. Was the prior treaty or the subsequent Act of Congress enforced?

16 In 1940 the Massachusetts ballot omitted the names of presidential electors, merely listing the presidential and vice-presidential candidates. This required almost no space on the ballot. The California ballot guide for the voting machine contained in a separate space the name of every elector for each party. As there were five parties with 22 electors each, 110 levers of each voting machine were required for presidential electors. Is not the Massachusetts system adequate?

17. Name five characteristics of a successful President.

18 What should be the characteristics of a Vice-President?

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CHAPTER XI

THE DEPARTMENT OF STATE

ORGANIZATION AND FUNCTIONS

Purpose of the Department of State.—The Department of State, which is our Foreign Office, has charge of our foreign affairs and international policies

The Secretary of State ranks first among the cabinet officers. At cabinet meetings he sits at the right of the President, and on all ceremonial occasions he is given precedence over his colleagues. In case of the death or removal of both the President and Vice-President, the Secretary of State becomes President.

Some presidents entrust foreign affairs largely to the Secretary of State, while others take foreign affairs into their own hands. Franklin Roosevelt followed a middle course; and President Truman has much confidence in Secretary Byrnes.

The duties of the Secretary of State are partly connected with domestic affairs, but to a much greater extent with foreign affairs.

Domestic Duties of the Secretary — The Secretary attends to all correspondence between the President and the governors of the several States. Thus, if the President calls for a State's national guard for war, or if a governor requests the extradition¹

¹ Extradition means the handing over by one State to another of fugitives from justice. The United States has extradition treaties with the leading nations of the world. When a person accused of crime flees from an American State to a foreign country the governor of the State applies to the Secretary of State for the return of the fugitive, furnishing evidence of probable guilt. The governor also names a person who will go for the fugitive. The proper papers are sent to our diplomatic representative, and he is instructed to request the extradition of the fugitive. The "President's Warrant" is given the agent whom the governor has designated to bring back the accused. Frequently an application is made by telegraph for the provisional arrest and detention of the fugitive in advance of the presentation of formal proof.

of a criminal who has taken refuge in a foreign country, the correspondence takes place through the Secretary of State

When a State ratifies an amendment to the Constitution of the United States, the Secretary of State is notified, and when three fourths of the States notify him, he must certify that the amendment has been adopted. He is custodian of the original copies of treaties and all laws enacted by Congress; and he affixes the Great Seal to executive proclamations, commissions, and warrants for the extradition of fugitives from justice

The Foreign Duties of the Secretary of State include drafting peace treaties and promoting the United Nations organization, resisting Russia's imperialistic pressure on Manchuria, Iran, Germany, and the Dardanelles, determining whether to support the Zionists or the Arab League in Palestine, how much aid to give the Chinese Government against the Communists; how much influence the Allies are to have in the control of Japan, how close we should draw to Great Britain, how to retain the cooperation of Latin America, protecting American air routes, oil and mineral interests, and trade in general, collecting information as to political and economic conditions abroad, and informing people of other countries as to our ways of life.

The Secretary of State is assisted by an Under Secretary of State and an Under Secretary of State for Economic Affairs, who act in turn when the Secretary is abroad or ill

Diplomatic Service.—Diplomatic correspondence with foreign governments is carried on by the Secretary of State through diplomatic representatives sent to the governments of nearly all States, most of whom have diplomatic representatives at Washington. Ambassadors are sent to most foreign capitals and ministers to some of the lesser ones¹

¹ The exact titles are *Ambassador Extraordinary and Plenipotentiary* or *Envoy Extraordinary and Minister Plenipotentiary*

When there is a vacancy in the office of ambassador or minister, or during his absence, the position is usually filled by a secretary of the embassy or legation. This officer temporarily in charge of his country's affairs is called *chargé d'affaires*

Ambassadors are appointed by the President with the consent of the Senate. In the past many of them were retired business men with inadequate knowledge of foreign affairs—mere amateur diplomats. A few years ago we had two unprepared ambassadors in succession in an important country. Both drank to

such excess that they even appeared at state functions drunk, and one of them thought he was a bear and paraded around the presidential mansion on all fours. Today more than half of our foreign ministers have risen through the ranks of the Foreign Service, and many ambassadors are now being promoted from that Service.

The term of office of an ambassador is not prescribed by law, hence there are numerous changes whenever a new party comes into power, as an

ambassadorship is considered a much-to-be-desired political plum. There are no prescribed qualifications, though it is an advantage to know the language and history of the country to which an ambassador goes. We have not yet appointed a woman as ambassador, but Franklin Roosevelt sent several women to Europe as ministers.

The ruler to whom the ambassador is accredited may refuse to receive in a diplomatic way any person who is for any reason objectionable (*persona non grata*). In order to avoid unpleasant occurrences of this kind, our State Department makes a practice of inquiring beforehand as to the acceptability of the person it pur-



Thomas in Detroit Free Press

NEW BALANCE OF POWER?

poses sending. Any country may demand the recall of an ambassador who is obnoxious to it. When war breaks out between two countries, the ambassadors and their staffs are given safe conduct home, though other "alien enemies" may be detained.

The duties of an ambassador are to (1) transmit official communications; (2) give information to foreigners concerning American institutions, laws, and customs, (3) keep his government advised of the progress of events in the country where he lives; (4) protect American citizens; (5) negotiate treaties and other agreements if requested to do so by the President; and (6) promote American interests in every way.¹

¹ The following extracts from a letter written by Walter H. Page, when he was ambassador to Great Britain, give us a close-up view of the daily routine of an ambassador.

If you think it's all play, you fool yourself, I mean this job. There's no end of the work. It consists of these parts. Receiving people for two hours every day, some on some sort of business, some merely to "pay respects"; attending to a large (and exceedingly miscellaneous) mail, going to the Foreign Office on all sorts of errands, looking up the oddest sort of information that you ever heard of, making reports to Washington on all sorts of things; then the so-called social duties — giving dinners, receptions, etc., and attending them. I hear the most important news I get at so-called social functions. Then the court functions, and the meetings and speeches! The American Ambassador must go all over England and explain every American thing. You'd never recover from the shock if you could hear me speaking about Education, Agriculture, the observance of Christmas, the Navy, the Anglo-Saxon, Mexico, the Monroe Doctrine, Co-education, Woman Suffrage, Medicine, Law, Radio-Activity, Flying, the Supreme Court, the President as a Man of Letters, the Hookworm, the Negro — just get down the Encyclopædia and continue the list!

I forgot, there are a dozen other kinds of activities, such as American marriages, which they always want the Ambassador to attend, getting them out of jail when they are jugged (I have an American woman on my hands now, whose four children come to see me every day), looking after the American insane, helping Americans move the bones of their ancestors, interpreting the income-tax law, receiving medals for Americans, hearing American fiddlers, pianists, players, sitting for American sculptors and photographers, sending telegrams for property owners in Mexico, reading letters from thousands of people who have shares in estates here; writing letters of introduction, getting tickets to the House Gallery; getting seats in the Abbey, going with people to this, that and t'other; getting tickets to the races, the art-galleries, the House of Lords; answering fool questions

To perform these duties efficiently the ambassador must be on terms of friendly intimacy with leading men in the country to which he is sent. Newspaper editors may be most useful acquaintances because the ambassador can both learn from them and impress upon them the good intentions of our government, and so reach the public through the press.

Ambassadors, and their families and servants to a great extent, are exempt from arrest and from taxation of personal belongings. Within their embassies (official residences) they may do within reason anything not prohibited by the laws of the nation which has sent them. These privileges are associated with a legal fiction known as *extritoriality*, which term means that the ambassador has carried a portion of the territory of his home country with its laws to the foreign country.

Ministers are sent to the governments of the less important countries. Everything that has been said concerning ambassadors applies to ministers except the honor or rank and the name of their residences. A minister is officially outranked by an ambassador, and the official residence is called a legation.

Chiefs of Mission (Ambassadors or Ministers) receive salaries ranging from \$15,000 to \$25,000 under the Foreign Service Act of 1946. Income-tax exempt allowances are increased even more sharply than salaries. The U. S. Ambassador to London, for example, up to now has had a salary of \$17,500 a year and allowances that bring the total up to about \$30,000. Under

about the United States put by Englishmen. With a military attaché, a naval attaché, three secretaries, a private secretary, two automobiles, Alice's private secretary, a veterinarian, an immigration agent, consuls everywhere, a despatch agent, lawyers, doctors, messengers — they keep us all busy. A woman turned up dying the other day. I sent for a big doctor. She got well. As if that wasn't enough, both the woman and the doctor had to come and thank me (fifteen minutes each). Then each wrote a letter!

Then there are Rhodes Scholars from Oxford women who wish to go to court Negroes from Liberia passports, passports to sign . . . opera singers going to the United States, artists who have painted some American portraits, — don't you see?

(*Life and Letters of Walter Hines Page*, Vol I, p. 159)

the new system, the American Ambassador at the Court of St. James is to receive a salary of \$25,000, plus allowances sufficient to make a grand total of about \$65,500.



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CHILDREN OF THE DIPLOMATIC CORPS AT A CHRISTMAS
CELEBRATION

Assistants. — At most embassies and at a few legations there is a counselor who gives technical advice in matters of international law and diplomatic practice. Every embassy and legation has one or more secretaries; and in China and Japan there are "language officers" (interpreters). Most embassies and legations have one or more military attachés assigned from the War Department, and naval powers have naval attachés from the Navy Department. These attachés and those from other departments are subject to orders of their departments.

Let us take a military attaché to illustrate the duties performed by a departmental attaché. He is military adviser to the ambassador or minister, he collects military information on the military

situation in the country to which he is accredited, he is constantly on the alert for new ideas which can be applied to his own army, and he makes confidential reports, through secret diplomatic mail bags, to the War Department where Information Digests of world conditions are kept.

Foreign Service of the United States. — While ambassadors and ministers are appointed by the President and confirmed by the Senate, more than a thousand career men are trained to assist these diplomats and to man the consulates. Their salaries range as high as \$13,500 plus generous allowances and contributory retirement and disability annuities. Entrance examinations are difficult, but promotion is on the merit basis; and many who rise through the Foreign Service are appointed by the President as minister or ambassador. Increasingly these career men are appointed instead of amateurs.

Consular Service. — In addition to diplomatic agents, the President, with the consent of the Senate, appoints several hundred consuls from those who have passed civil service examinations. They are commercial agents, or "America's lookouts on the watch-towers of international trade," and one is stationed at every important commercial city.

Consular Duties. — Consuls perform a great variety of duties, among which the following are outstanding:

(1) Promote American trade and commerce by spying out new promised lands of commercial opportunity. They answer inquiries addressed to them by American exporters and importers, and send reports regarding foreign markets for American products to the State Department.¹ This information includes the special demands of local markets due to prevailing customs or prejudices or to unusual shortage of crops, includes changes in foreign laws bearing on commerce, such as customs regulations,

¹ The weekly Commerce Report is published by the Bureau of Foreign and Domestic Commerce for American producers who subscribe for it. Items like the following are published in it:

No. 16363 Agency wanted for spark plugs for airplanes Madrid.
(Names are not published because foreign competitors might use them.)

patent laws, and food laws; and includes foreign methods of doing business.

(2) Enforce custom regulations They prevent foreign shippers from undervaluing their goods to avoid tariff duties and prevent individuals from smuggling valuable goods to this country.

(3) Assist in excluding prohibited classes of immigrants. Before a vessel sails, an American consul receives a list and description of immigrants on board, satisfies himself as to its accuracy, and sends these records to the immigration inspector at the port of arrival He also inspects the sanitary and health condition of the vessel and passengers and issues the vessel a bill of health.

(4) Assist wrecked or stranded vessels and are authorized to send shipwrecked American seamen back to the United States They may also send mutineers back to the United States for trial.

(5) Visa (approve) passports, issued to aliens coming to America, and some consuls may issue passports to Americans who happen to be abroad without a passport.

(6) Assist Americans in legal transactions. They administer oaths, take depositions, and act as witnesses to marriages.

Consular Jurisdiction — The consul has some jurisdiction over whatever relates to the internal economy of American vessels. He settles disputes among masters, officers, and men.

Consuls' Compensation — While on probation consular officials receive a minimum of \$3300. Subsequently, as one advances through the various classes from secretary to consul-general, the salary may advance to as much as \$13,500. They are not entitled to the immunities of diplomatic representatives, but most countries by treaty exempt them from arrest in civil cases and guarantee the protection of their archives A consulate of the United States in a weak state is a fairly safe place in times of disturbances, and an embassy or legation is almost invariably a place of safety.

Undemocratic Conservatism and False Values. — Our Foreign

Service officers must pass a difficult examination, and hence they enter the service principally from the exclusive universities wedded to ceremonial etiquette. For instance, Ambassador Dodd had to contend with the biases of his staff in Berlin. They wanted him to travel by special train, and not in his own Chevrolet; they could not see why it was necessary for him to be in his office at nine o'clock rather than coming leisurely in at noon; and they thought he should pretend to admire Nazism.

Passports. — A passport is a certificate used to identify a citizen of one country when traveling or residing in another country, in order that the citizen may enjoy all the privileges that international law, treaties, or the prestige of his native country can insure. The Division of Passport Control regulates the issuance of passports, and determines questions relating to the citizenship of Americans in foreign countries.

An American citizen who desires to travel abroad may make a written application¹ to the Secretary of State for a passport. The application contains a detailed description of the person and information as to his age, residence, and occupation. It must be signed by the person applying, and an affidavit must be attested by a clerk of a Federal court, or of a State court if there is no Federal court within the district of the State court. It must be accompanied by a certificate from a creditable witness that the applicant is the person he professes to be, by two photographs, and by a \$9 fee (clerk's fee \$1 additional). During the emergency period passports contain thumbprints and must be re-validated by an American consul every six months.

In certain cities State Department agents perform passport duties, and in emergencies procure passports without delay.

A passport for most countries must be visaed (approved) by a consul of the country to be visited, and a fee is usually charged.

The Emergency Fund for this department, which has been greatly expanded during the war emergency, is the only fund in

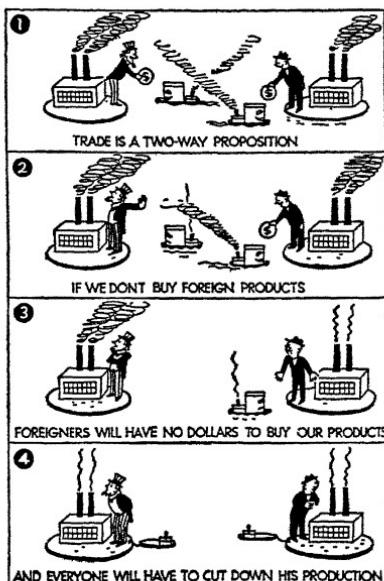
¹ A blank form may be obtained from the Secretary of State or from the clerks of Federal courts, or of State courts which attest passports.

the administration of which no original accounts or vouchers to the Treasury Department are required. The Secretary of State gives a certificate of such expenditure. This fund enables the President and Secretary of State to meet unforeseen emergencies in the diplomatic and consular services, to track aliens or citizens under suspicion, and to keep a watch on other countries through secret agents. It can also be used for entertaining distinguished guests.

Reciprocal Tariff Agreements Negotiated by the State Department. — *Introduction* — During World War I we exported commodities worth fifteen billion dollars more than those that we imported, and between World War I and the panic of 1929 Americans lent ten billion

dollars to the outside world. The only way they could have paid us all of this debt was in goods. This was made impossible by the high tariff of 1930. They had to stop buying, and our exports fell from more than five billions in 1929 to less than two billions in 1932.

Tariff Reciprocity Act of 1934. — Even if our high tariff was interfering with foreign trade, a sudden reduction would have injured our protected industries, because laborers in many countries work longer hours for less pay. Also foreign countries were raising their tariff walls against our goods.



Courtesy Graphic Associates for Public Affairs

THE ABC OF FOREIGN TRADE

Congress therefore took a middle ground It authorized the President to lower our tariff as much as 50 per cent on certain commodities for any country that would reduce its tariff on a similar amount of commodities that we want to sell to them The State Department, acting for the President, entered tariff-reduction agreements with 20-odd countries In 1945 Congress authorized the President to cut these new rates (or any rates existing in 1945) by as much as one half again for reciprocal concessions, making possible a maximum cut of 75%

Importance of Foreign Trade — Each country exports the things of which it has a surplus, or those commodities which it can make best and cheapest This exchange results in more necessities, comforts, and luxuries for all nations, and when people have plenty they are less likely to go to war

United States Foreign Policy. — The *United Nations* organization is supported by all political parties in the United States ; but we are also keeping our powder dry just in case (See Chapter XL)

The Atomic Energy Commission, a five-man civilian body, whose members receive \$15,000 annually, controls atomic energy in the United States Three civilian agencies, the Divisions of Research, Production, and Engineering, and the Division of Military Application assist the Commission in this highly secret program

It is illegal to produce, possess, or transfer fissurable materials without consent of the Commission If done to injure the United States, the penalty is death But we are ready to use this energy to promote peace if other nations cooperate

Russia is today the only country strong enough to menace our peace Under Roosevelt, Wallace, and Stettinius we attempted to cooperate with Russia ; but rivalry between a free-speech capitalistic republic and a sealed communistic-socialistic totalitarian dictatorship has aroused suspicions in the settlement of German and Chinese relations And instead of giving Russia control of the Dardanelles we favor leaving them under

Turkey or internationalizing them Oil in the Near East is another bone of contention Stettinius says that the world's resources should be pooled to avoid war, but he is no longer Secretary of State

Germany — Our State Department wants a unified democratic Germany with a federal government, unarmed, and subject to a small Allied army of occupation acting largely as a force to inspect and enforce restrictions imposed by the Allies

Japan — We favor a democratic Japan under our control until we trust her and she is admitted to the United Nations

Great Britain and the United States need to cooperate, and find it easy to do so. We are lending her as much of $3\frac{3}{4}$ billion dollars as she wants at 2% interest for a 50-year period

Augmenting the Naval Establishment of China Our President is authorized to deliver to China not exceeding 271 small naval vessels and craft (or large ones with consent of Congress) by sale, gift, or otherwise; and to detail not exceeding 100 officers and 200 enlisted men of the U S Navy and Marine Corps to help train the Chinese

The Monroe Doctrine and Good Neighbor Policy are favored
Bases in the Atlantic and Pacific, both naval and air, are being built.

The Office of International Relations and Cultural Affairs will tell other countries about the United States and will find out about the political life, the raw materials, and the warmaking power of other countries. This OIRCA will use radio, motion pictures, books, etc

The Board of Foreign Scholarships selects exchange students and schools for students receiving scholarships from funds provided by the sale of surplus war property to foreign governments. Perhaps 100,000 Americans will study abroad under the plan, with a like number studying here from abroad Not exceeding 20 Latin Americans are educated at our expense at West Point, and not exceeding 12 at the U. S. Merchant Marine Academy.

QUESTIONS ON THE TEXT

1. Who is considered the most important cabinet officer?
2. What are the duties of the Secretary of State?
3. What are the duties of ambassadors and ministers? What special privileges do they enjoy?
 4. What is meant by *extritoriality*?
 5. How do ambassadors differ from ministers?
 6. Name some duties performed in Great Britain by Walter H. Page.
 7. What are the duties of military and naval attachés?
 8. What are consuls, and how does the consular service differ from the diplomatic service? Name six important duties of consuls.
 9. What is meant by consular jurisdiction?
 10. What compensations are paid to Chiefs of Missions? Consuls?
 11. How is a passport obtained and what is its value?
 12. What is the *Emergency Fund*? How does it differ from all others?
 13. What is the Monroe Doctrine? Good Neighbor Policy?
 14. Explain our reciprocal tariff agreements.
 15. Why is foreign trade important?
 16. What are the foreign policies of the United States as to the following: UN? Atomic energy? Russia? Germany? Japan? Great Britain? China? Latin America? Bases? Education?

PROBLEMS FOR DISCUSSION

1. Until recently ambassadors and ministers were usually recruited from defeated statesmen who needed a position, manufacturers who had become wealthy and desired distinction, or professional men who wanted foreign experience. To-day some ambassadors and half of the ministers have been promoted from the Foreign Service. For the more important embassies would you prefer an experienced Foreign Service officer who has spent much of his life outside of the United States or a cultured American resident who does not have to consider expenses?
2. For training diplomatic officers to promote peace should we have an academy similar to the military and naval academies? If so, should the students be high school graduates or college graduates?
3. An Executive Order issued in 1936 provides that before marriage with a person of foreign nationality each Foreign Service officer (but not an ambassador or minister) must obtain permission to do so from the Secretary of State. Each request for permission to marry an alien must be accompanied by a resignation, to be acted upon as the Secretary of State deems advisable. Why does our Government thus interfere with the domestic affairs of a Foreign Service officer?

4 A diplomatic officer cannot be arrested for exceeding the speed limit in an automobile, but he can be warned, and if he habitually violates the law in this respect complaint may be made to his government. Why is this courtesy to foreign countries necessary?

5. In 1943 Winston Churchill said "For our own safety as well as for the security of the rest of the world we are bound to keep our smooth-running machinery working after the war, probably for a good many years, not until we have set up some world arrangement to keep the peace but until we know that it is an arrangement which will really give us that protection we must have from aggression" Do you favor an alliance or union with the British alone, an alliance with the British, Russians, and Chinese, a world federation, or merely the United Nations as now constituted? (See Chapter XL)

6. In 1935 when the League of Nations and the United States were trying to prevent the Italo-Ethiopian war, a Standard Oil subsidiary obtained a concession from Emperor Haile Selassie to develop the oil in Ethiopia. This made it appear that the nations working for peace had selfish reasons for interfering. Therefore officials of the oil company conferred with our Secretary of State, and in the interest of peace announced the cancellation of the concession. Why did the oil officials confer with the Secretary of State? Why did they need his good will?

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CHAPTER XII

THE TREASURY DEPARTMENT

The Secretary of the Treasury has a variety of functions to perform, but he is assisted by a number of directors of bureaus,



Courtesy Bureau of Engraving and Printing

THE EXAMINING ROOM IN THE BUREAU OF ENGRAVING
AND PRINTING

services, and other divisions To assist in the collection of Federal taxes are the Division of Internal Revenue, the Bureau of Customs, and the Secret Service For supervising United States money, the Secretary is aided by the Bureau of the

Mint to provide the metallic money, the Bureau of Engraving and Printing to print paper money, and the Comptroller of the Currency to supervise national banks and national bank notes.

The Treasury Department issues public securities, including U S Savings Bonds designed as an investment for individuals. These bonds are as small as \$18.75 (see page 106).

The Secretary has under his jurisdiction the Commissioner of the Public Debt, and the Procurement Division for the purchase, storage, and distribution of public property. He also has charge of the Bureau of Narcotics because the Secret Service of the Treasury Department, which trails tax-dodgers and counterfeitors, is in good training to detect the illegal use of narcotics.

The Collection of the Revenue. — The Bureau of Internal Revenue operates through an Income Tax Unit, an Alcohol Tax Unit, a Miscellaneous Tax Unit, and Collectors of Internal Revenue at central cities throughout the country. The Bureau of Customs also has its Collectors of Customs at each important port where tariff taxes are collected.

The Income Tax, from individuals and corporations, produces half of our Federal revenue. (See pages 122-123.)

The government has various methods of checking upon the honesty of those who should pay income taxes. It requires the keeping of records of business, it requires employers to withhold and turn in the tax due from employees; it requires corporations to report dividends and interest, and those paying royalties on patents and copyrights to report the sums of money paid; it exchanges information with State income tax collectors, it compels witnesses to testify, and it employs secret service agents.

Those who fail to report all of their taxable income may be imprisoned, may be fined, and may have a penalty added equal to 50 per cent of the amount not reported. For example, it was discovered that a movie star had short-changed the Government \$118,364. For this fraud he was required to pay the \$118,364, plus a penalty of 50 per cent of the \$118,364, plus a \$3000 fine; or a total of \$180,546. In 1931 "Scarface Al" Capone

THE TREASURY DEPARTMENT

RECEIPTS OF THE UNITED STATES GOVERNMENT FOR THE FISCAL YEAR 1946, EXCLUDING BORROWING

	1946	1945
Income taxes (corporations \$4,639,949,184, deducted from paychecks \$9,857,588,861, paid directly by individuals \$8,846,947,304)	\$23,914,028,755	\$23,344,485,149
Excess profits taxes (to prevent large profits in war industries)	7,913,617,921	11,147,317,450
Social Security taxes (including taxes on railroads and their employees) .	1,790,827,675	1,779,177,412
Other internal revenue	\$2,526,164,686	
Liquor, wine, and spirits	1,165,519,283	
Cigarettes (\$1,072,971,114), cigars, tobacco, snuff	490,296,264	
Gasoline and lubricating oils	250,008,380	
Autos, trucks, motorcycles, and accessories	492,046,069	
Retailers' excise taxes on jewelry, furs, toilet articles, etc	446,871,251	
Transportation of property and persons (15% on tickets, berths)	415,267,867	
Admission to theaters, games, etc (1 cent for each 5 cents)	380,081,796	
Telephone, telegraph, radio, etc	56,731,986	
Sugar tax (about $\frac{1}{2}$ cent a pound)	352,120,833	
Capital stock tax (Corporations pay \$1.25 on each \$1000 declared value of stock)	676,382,302	
Estate tax (\$629,600,697), gift tax (\$47,231,605)	87,376,396	
Stamp taxes on playing cards, deeds, bonds, capital stocks, etc	18,899,227	
Club dues and initiation fees ¹	172,148,733	
Miscellaneous (pipe lines, oleo, coin machines, pool tables, etc)	7,530,665,073	
TOTAL INTERNAL REVENUE	\$40,489,596,018	\$43,800,387,576
Customs ("tariff") principally alcoholic beverages and wool	435,475,072	354,775,542
Proceeds of Government-owned securities	145,519,227	121,791,083
Renegotiated war contracts, downward adjustment in contract prices; mineral, oil, and forest leases, profit on cons., Canal tolls, etc		
TOTAL ORDINARY RECEIPTS (not including postal receipts, etc ²)	<u>3,313,796,652</u>	<u>3,462,570,139</u>
	<u>\$44,384,386,969</u>	<u>\$47,739,524,340</u>

¹ There is a tax of 20% on initiation fees and membership dues to clubs, if the dues are in excess of \$10 per year. The tax does not apply to lodges or fraternities. ² Government corporations, like the T V A, have budgets of their own.

was indicted for evading an income tax on \$1,000,000 obtained over a period of six years. He was given an eleven-year prison sentence, fined \$50,000, and his property was seized for the taxes and penalty. Evasions may be detected even after death. Recently half of a \$102,000 estate was paid as back income taxes.

Information often comes through competitors or rivals. For instance, a shoe merchant informs the collector that a rival merchant did not report all of his business. In another interesting case a man told the woman to whom he was engaged how cleverly he had defrauded the government. After some years he jilted this woman. She then reported him for spite. So years after he thought he had "got by," he had to pay the price of dishonesty.

Other Internal Revenue is derived from inheritances, liquors, cigarettes, tobaccos, autos, gasoline, etc. The commissioner of internal revenue and his deputies collect these taxes through collectors of internal revenue in charge of the various districts into which the country is divided. So far as feasible, these taxes are collected by means of stamps which are pasted upon packages in such a way that the stamp will be broken when the package is opened.

There are enough dishonest taxpayers to necessitate an extensive secret service department, because even great manufacturers have been guilty of counterfeiting revenue stamps.

Customs are taxes (tariff) on imported goods. These taxes are collected by the Secretary of the Treasury through the Bureau of Customs. The country is divided into customs districts. In each one of these districts there is a collector who is assisted by a surveyor, appraiser, examiners, inspectors, storekeepers, and clerks.

All articles brought into the country must enter at specified points where there are custom-houses. At the principal point in each district the collector resides, at subordinate places a deputy collector. Along the two oceans and the Canadian and Mexican borders are numerous "ports of entry"; and numer-

ous interior cities, such as Chicago and St. Louis, are "ports of entry"¹

Customs on about 2000 taxable articles are of three kinds—*specific*, *ad valorem*, and *mixed*. *Specific* means so much per unit, as five cents a gallon on cider or four cents each on baby chicks.

Ad valorem means in "proportion to value," as ten per cent of the value of cut diamonds or ninety per cent of the value of laces. *Mixed* means that both a *specific* duty and an *ad valorem* duty are imposed upon the same article.

As the determination of values is very difficult, persons exporting to the United States articles valued at over \$100 are required to have invoices certified by an American consul, when valued at \$100 or less an oral statement is accepted. If the consul is not certain of

A CUSTOMS EXAMINER, NEW YORK
The examiner is searching baggage for dutiable goods

the value he may demand three samples, one for himself, one for the court of customs in New York, and one for the appraiser at the port to which the merchandise is sent

To prevent fraud when merchandise is received at a port, ten per cent of the packages, taken at random, are opened and examined, and all personal baggage is examined. To prevent smuggling, detectives are at work here and abroad and the Treasury Department maintains a Coast Guard.

¹ More than half of all custom dues are collected at New York.



Ewing Galloway

Any person, except an officer of the United States, who gives original information which leads to the conviction of a smuggler may be awarded 25 per cent of the net amount recovered as duties withheld, or as a fine, penalty, or forfeiture incurred.

The Safe-Keeping of the Revenues. — *The Treasurer* of the United States may keep the revenues in the Treasury at Washington, in the Federal Reserve banks, in the Federal land banks, or in National Banks or State Banks of the federal reserve system designated by the Secretary of the Treasury.

The Disbursement of the Revenue is regulated by Acts of Congress. No money is paid out of the Treasury unless authorized by an Act of Congress. The money is paid by the *Treasurer* upon the presentation of a warrant drawn by the Secretary of the Treasury and approved by the Comptroller General.

UNITED STATES EXPENDITURES FOR THE FISCAL YEAR 1946

War Department	\$27,799,828,765
Navy Department	15,160,754,034
U. S. Maritime Com. and War Shipping Admin.	2,060,367,258
Other War activities	3,520,725,118
Interest on Public Debt	4,721,957,683
Veterans Administration	3,871,201,514
Agriculture Department (Inc Farm Subsidies)	1,350,104,028
Social Security Payments	624,130,800
Transfers to Trust Accounts, such as retirement and National Service Life Insurance funds	1,918,441,818
All other expenditures	3,981,517,973
Total Expenditures	<u>\$65,009,028,991</u>
Total Receipts	44,384,386,969
Deficit	\$20,624,642,022

The General Accounting Office, created in 1921, is independent of the Treasury Department and is organized to safeguard our revenues even against mistakes or frauds of treasury officials. It is under the direction of the Comptroller General of the United States, who is appointed by the President, with the consent of the Senate, for a term of fifteen years. The Act creating the office provides that he shall not be removed except by a joint resolution of Congress.

This Office examines and audits the claims and accounts of most branches of the government; and the Comptroller General prescribes the form and method of keeping accounts and passes upon the question of what are legal disbursements.

Upon the application of any disbursing office the Comptroller General is required to render his advance decision upon any question involving a payment to be made by this disbursing officer.

The General Accounting Office also superintends the recovery of debts owed to the United States. For example, a military officer received an extra allowance for his dependent mother. When it was discovered that his mother was worth \$42,500, the Accounting Office took steps to recover the excess payment.

United States Debt. — Public debt is created by the government, usually for public works, for relief during a depression, or for war. Our Federal Government debt is due to the First World War, to the depression during the decade from 1930 to 1940, and to the Second World War.

Debt at the outbreak of the First World War . . .	\$ 1,000,000,000
Debt at the end of the First World War	26,000,000,000
Debt in 1930 after "Coolidge Economy"	16,000,000,000
Debt in 1940 after a decade of depression	45,000,000,000
Highest debt in our history February 28, 1946 . .	\$279,000,000,000
Debt June 30, 1946	\$269,000,000,000

The average interest rate on the debt is now about 2 per cent. With the National debt at \$269,000,000,000 in 1946, the annual interest to be paid by the Government at this rate would be \$5,380,000,000. By maintaining the National income through full employment at good wages this interest can be paid without too great a tax burden. The principal can be carried indefinitely if desired, or paid off over a long period of years. As bonds are paid off new ones can be sold to raise the needed funds.

How the United States Borrows Money — The Federal Government uses both the "short-term" and the "long-term" types

of borrowing Short-term borrowing uses notes, bills, and certificates of indebtedness, which run anywhere from thirty days to four years Long-term borrowing is through the sale of bonds which usually run ten years or more— often for twenty or thirty years For short-term borrowing the rate of interest is commonly less than 1 per cent a year , but for long-term bonds the rate varies from 2 to 3 per cent, or $4\frac{1}{2}$ per cent on some issued during the First World War.

The Federal Government issues both bearer bonds and registered bonds The former may be passed around like money, and the interest is collected every six months by clipping and cashing at any bank the coupons attached to the bottom of each bond The latter are registered at the Treasury in the name of the owner and cannot be disposed of without having ownership transferred The interest is paid by checks from the Treasury The bearer bonds are more convenient for quick sale, but the latter are safer because they cannot be sold if lost or stolen

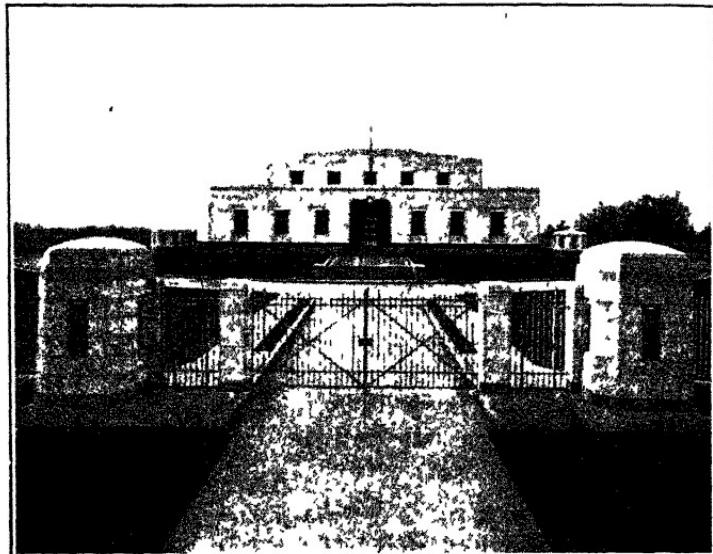
Series E Savings Bonds are the most popular because the owner may cash them at post offices or banks any time after 60 days from issue date, in accordance with a table of values on the face of the bond These bonds increase in value at the end of the first year, and every 6 months thereafter until the date of maturity They mature in 10 years, paying \$4 for every \$3 invested This is equivalent to 2 9 per cent interest a year, compounded semi-annually, when a bond is held to maturity. A bond with a maturity value of \$25 costs \$18 75. These bonds are registered only in the name of one individual ; two individuals as co-owners (either may cash bond), or one individual with another as beneficiary (heir) No person may purchase in any one year more than \$5000 maturity value, or \$3750 cost price, in E bonds

To Whom Is the Money Owed? — While most Americans own some United States bonds, most bonds are held by banks and insurance companies and really belong to depositors and insured

Currency. — Currency, that is, money authorized by the government, is of two kinds — metallic and paper

Metallic Currency.—*Mints* United States coins are stamped at the mints in Philadelphia, Denver, and San Francisco

Gold. Until 1933 the double eagle (\$20), the eagle (\$10), and the half eagle (\$5) were coined free for any person bringing



UNCLE SAM'S STRONG BOX FOR GOLD AT FORT KNOX, KENTUCKY

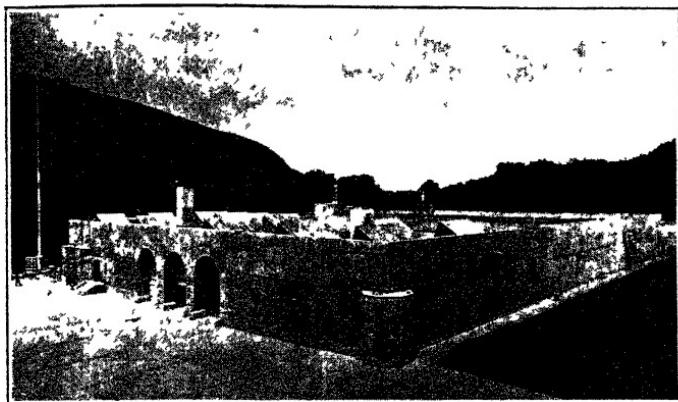
In 1934 the Government began to pay \$35 an ounce for gold. By 1941 we had acquired \$22,700,000,000 worth, or 70% of the world's visible gold supply. Legally it belongs to the Government, economically to the Federal Reserve Banks who hold gold certificates, and practically to depositors who have money in banks. Most of this gold is stored at Fort Knox.

the metal to the mints.¹ When the financial crisis came in 1933, many people hoarded these gold coins, and others shipped them out of the country. To prevent these practices and to pave the way for re-valuing gold, the government required all gold coins held by individuals or by banks to be turned into the United States Treasury in exchange for paper money. Gold

¹ As 10 per cent of the coin had to be alloy (copper, or nine parts copper and one part silver) to make it durable, there was a small charge for the alloy

coins are no longer allowed to circulate in this country, and the mere holding of them is illegal under heavy penalties. But gold may now be purchased from the government and exported to pay trade balances.

From 1834 until 1934 the gold content of the dollar was set at $25\frac{1}{2}$ grains nine-tenths fine; but in 1934 it was reduced to $15\frac{5}{17}$ grains nine-tenths fine. Thus by making a "sixty cent



UNCLE SAM'S WAREHOUSE FOR SILVER AT WEST POINT

In this huge concrete vault, the federal government has stored nearly two billion dollars' worth of silver from the mints at San Francisco, Denver, and Philadelphia.

dollar" (or 59 06 to be exact) the government caused prices to rise, which helped people who were in debt. Previous to the re-valuation of the dollar, gold sold for \$20 67 per ounce. At present the government is paying \$35 in paper for an ounce of the metal; and at this artificially high price we accumulated \$22,700,000,000 or 70 per cent of the gold money of the world by 1941. (Now reduced to \$19 billion.)

In 1934 Federal Reserve Banks were required to deposit all their gold with the U. S Treasurer, for which certificates of the re-valued (59 06) gold dollar were given. These do not circulate, but are used as security for Federal Reserve Notes.

Silver. The mints now issue the dollar, half dollar, quarter, and dime in silver. They now pay 90 5 cents an ounce for silver newly mined in the United States; and as a dollar contains 10 per cent copper ("alloy") and only about $\frac{3}{4}$ of an ounce of silver, the government makes a good profit.

Minor Coins. The five-cent piece is made of three parts copper and one part nickel, and the cent is made of bronze (95 per cent copper and 5 per cent tin or zinc). Metal for these coins is purchased from the lowest bidder by the superintendent of the mint, with the approval of the Director of the Mint. The profit on these coins is even greater than that on silver coins. Minor coins worn smooth are re-coined at Government expense. During the war substitute metals were used for minor coins.

Legal Tender. Money which the law requires a creditor to accept in payment of a debt when tendered by a debtor is known as *legal tender*. By a joint resolution of Congress passed in 1933 "all coins and currencies of the United States shall be legal tender for all debts, public and private."

Paper Currency consists of about 90% Federal Reserve Notes, 7% Silver Certificates, and 3% other issues.¹

Federal Reserve Notes are issued by the Governors of the Federal Reserve System (pp 324-325) for any one of the twelve Federal Reserve Banks. The Notes are printed by the Comptroller of the Currency. Federal Reserve Notes are secured by 25% Gold Certificates and 75% Government bonds, or 75% commercial paper, which includes notes or drafts discounted by the Federal Reserve Banks from the local member banks.²

¹ Since 1934 all Gold Certificates, other than those held by Federal Reserve Banks, have been retired as deposited in banks. They were formerly "warehouse receipts" for gold dollars in the Treasury.

United States Notes ("Greenbacks") were first issued during the Civil War. They are partially backed by a gold reserve.

National Bank Notes were formerly issued by National Banks. They are backed by Government Bonds; but are being retired whenever deposited in banks.

² Federal Reserve Notes are also obligations of the United States and a lien on all the assets of the issuing Federal Reserve Bank.

The amount in circulation can be increased or decreased as needed by the local banks to supply their customers.

Silver Certificates are "warehouse receipts" given for the deposit of silver. They are rarely presented for redemption in coin.

Mutilated Paper Currency may be redeemed if its condition permits its identification by the Government experts.¹

Changing Purchasing Power of the Dollar.—Sometimes the dollar buys much and at other times very little. During the hard times of 1896, when many people were without work and wages were very low, a glut of goods developed and a dollar bought twice as much as in normal times. (Purchasing power in 1926 is considered normal. See charts on page 227.) During the boom following the First World War prices soared and a dollar bought only two thirds as much as in normal times. During the hard times of 1932 prices fell and a dollar bought a third more than in 1926. During the Second World War prices again rose above the 1926 normal.

Inflation is a more rapid increase in the amount of money or purchasing power in the hands of the people than in the supply of goods they want to purchase. For instance, during the hard times of 1932 the income of all the people of the United States



THE HOUSEWIFE AND CURRENCY
INFLATION

¹ The average life of paper money in the United States is less than three years; the average life of the dollar bill, which gets hard use, is only about one year. When the old is exchanged for the new the old is burned.

was only \$40,000,000,000. But when the United States entered the Second World War and all the requirements of our armed forces had to be produced, good times returned and nearly everybody got a job, usually at high wages. The necessity for devoting so much of our production to war requirements made it impossible to supply many of the things needed by civilians. As people had plenty of money the tendency was to pay almost any price for a desired article, thus bringing on inflation.



Courtesy Life

INFLATION IN ONE EASY LESSON

1. Normally there is no overflow, if water rises, industry makes more goods, and the dam rises
2. In boom times the water rises fast, causing an overflow which creates higher prices
3. In wartime the water rises even faster, but the dam shrinks as industry makes arms. Hence the excess torrent pours over, causing higher prices, inflation. To raise the dam (dotted lines) you must pay higher taxes, buy war bonds, pay off your debts, save — not buy.

To control this condition, the Office of Price Administration (OPA) was established and it put "ceiling prices" on most commodities, thus saving the American people billions of dollars.

Inflation reduces the purchasing power of wages, reduces the purchasing power of savings for old age, and increases the cost of the war and the amount of the war debt.

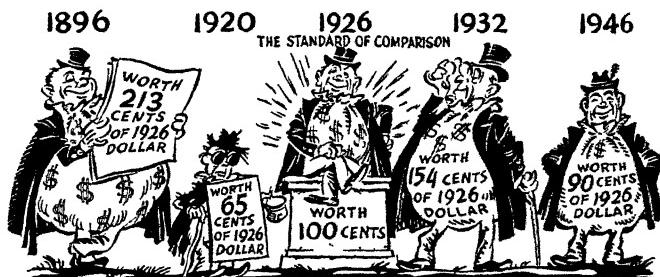
To prevent inflation we must pay off our debts and save until prices come down to normal. The Government can help prevent inflation by draining surplus money in taxes.

Deflation is the opposite of inflation. It is falling prices. That is as dangerous as inflation because people stop buying any

thing they can get along without — waiting for prices to go still lower. The Government tries to prevent deflation through buying surplus commodities, providing public employment, and putting more money into circulation by issuing more Federal Reserve Notes.

COMPARATIVE WHOLESALE PRICES IN THE UNITED STATES
(1926 = 100)

KINDS OF COMMODITIES	1896	1920	1926	1932	FISCAL YEAR 1946
Farm Products	40	151	100	48	139
Foods	44	137	100	61	119
Hides and Leather Products	45	171	100	73	123
Textile Products	43	165	100	55	103
Fuel and Lighting	40	164	100	70	86
Metals and Metal Products	71	149	100	80	108
Building Materials	39	150	100	71	124
Chemicals and Drugs	65	165	100	74	97
House Furnishing Goods	43	142	100	75	107
Miscellaneous	90	168	100	64	97
All Commodities	47	154	100	65	111



VALUE OF THE UNITED STATES DOLLAR IN GOODS AT WHOLESALE

The Coast Guard. — In 1915 Congress combined the Revenue Cutter Service and the Life Saving Service and thus created the

Coast Guard; and in 1939 it absorbed the Lighthouse Service to aid navigation. In times of peace it operates under the Treasury Department, but in time of war the President makes it a branch



Courtesy U S Coast Guard

CRASH BOAT

This type of boat is stationed at all of the Coast Guard Air Stations.

of the navy and it receives orders from the Secretary of the Navy or the President. It was shifted back to the Treasury in 1946

The Coast Guard operates life-saving stations, assists vessels in distress, suppresses mutinies on merchant vessels, patrols the North Atlantic to warn ships against icebergs, removes wrecks and other floating dangers to navigation, escorts the school of seals when it annually migrates to the Alaskan islands, maintains lighthouses, lightships, radio beacons, fog signals, and buoys on navigable

streams, enforces quarantine laws, neutrality laws, and laws governing merchant vessels and motor boats, such as requiring adequate life preservers; and brings critically ill seamen or passengers ashore to hospitals by seaplane or fast cutter.

The Coast Guard also patrols the coasts to prevent piracy and the smuggling of dutiable goods, narcotics, liquors, and undesirable persons. In time of war it guards against enemy attack.

Cruisers, destroyers, patrol vessels, picket boats, lifeboats, seaplanes, and other miscellaneous craft constitute the equipment of coastguardmen, and the Coast Guard Academy at New London, Connecticut, trains officers for their duties.

QUESTIONS ON THE TEXT

1. What are the duties of the Secretary of the Treasury?
2. How much revenue does the United States government receive annually? From what sources does this money come?
3. What is meant by *internal revenue*?
4. What is meant by *customs*?
5. What is the difference between *specific* and *ad valorem* tariff?
6. How does the United States prevent fraud by importers of articles upon which a tariff is imposed?
7. Where does the United States government keep its money?
8. For what purposes does the United States expend its money?
9. What body must authorize the expenditure of all government money?
10. What officer sees that no money is expended except such as is authorized by Congress? What is his relationship to the Secretary of the Treasury? To the President? To Congress? For what term is he chosen?
11. What was the debt of the United States at the outbreak of the First World War? How much is it to-day?
12. What is meant by *currency*?
13. What metallic currency does the United States now make? Where is it made?
14. On what kinds of metallic money is a profit made?
15. What is meant by *legal tender* money?
16. What are gold certificates? Silver certificates?
17. What are Federal Reserve notes? How many may be issued? What agency guards against the issuance of too many? How are these notes secured?
18. How do prices to-day compare with prices in 1896? 1920? 1926? 1932?
19. What services does the Coast Guard perform?

PROBLEMS FOR DISCUSSION

1. Some people would get all revenue from the rich (property, income, and inheritance taxes); others would get all from those who indulge in luxuries or evils (amusements, lotteries, tobaccos, liquors); while still others would shift taxes to the masses by taxing everything sold for consumption (tariff; severance tax on coal, oils, metals, and lumber; sales tax on gasoline or on everything). Which of these types of taxes, if used alone, would kill capital — the “goose that lays the

golden egg"? Which would make it more difficult to get rid of evils? Which would be least in proportion to ability to pay?

2 If a man is saving money during a period when prices are rising, should he buy a farm or other property which will yield him 6 per cent net interest upon the amount invested, or should he lend it on a good security at 6 per cent?

3 Buying stocks is buying shares in actual property. Buying bonds is lending money. Which would you buy when prices are rising?

4 In 1896 President Cleveland received a salary of \$50,000. Now the salary is \$75,000. Can the President to-day buy any more commodities with his salary than Cleveland could with his?

5 If you buy an \$18 75 Government Savings Bond from your Post Office, it increases in value each year, and if left for ten years you can draw out \$25. What per cent interest would this be? How does owning a bond help to make you more loyal to your Government?

6. Some people squander their boomer time income instead of loyally buying Government war bonds, and argue that we should cancel the debt when the war is over. Would this favor the loyal or disloyal? As most of the bonds are owned by insurance companies and banks, how would cancellation affect the life savings of the frugal? The money that business firms use to pay wages? The future credit of our Government?

7 During periods of inflation would high or low interest rates, which banks pay on the Federal Reserve Notes they use, help to bring prices down to normal? How should interest rates be regulated to bring the country out of a period of deflation?

8 During the Civil War the United States paper money was worth much less than gold money. Why? Confederate paper money was worth even less than United States paper money, and at the end of the war Confederate paper money had no value. Why?

9 Bring to class as many kinds of paper money as possible and examine the various kinds carefully. If you should happen to burn your paper money beyond recognition who would gain thereby? If a mouse should gnaw holes in it, could you exchange it for new money?

10 John F Sinclair relates the following story

"Dr Adolph Helfer is one of the great physicians of Vienna. He was born in America. His family lived in St Louis. In 1912 his father died and left him \$50,000, which was sent to him in Vienna. He was a careful, prudent man. He deposited the \$50,000 in a savings bank in Vienna and received 3 per cent interest annually. I met Dr Helfer in Vienna a few weeks ago. He had not taken a dollar, either principal or interest, from the original fund. He was hoping for an old age free from

worry. (But Austria issued quantities of paper money without gold or silver to secure it) Then we figured up what his \$50,000 was worth in the summer of 1923 It came to exactly \$3 15 The money had quickly slipped away and Dr Helfer found himself holding an empty sack That is what inflation does" Explain *inflation*

11 If one defrauds the government by not honestly paying his taxes, is he stealing from an invisible government or from his honest taxpaying neighbors?

12 Industrial States often claim that they pay more than they get back by showing how much is collected therein as tariff duties, taxes on the manufacture of tobacco and cigarettes, etc. Is this tax really paid by the States where collected?

Suppose some wealthy States actually pay more than poorer rural States Do they get it back indirectly? Do they get it back through profits on investments? Do people from rich centers use the roads beyond their bounds for touring, for trucking food to the city, for sending their products to purchasers? Have they any interest in the National Guards of other States? Will children educated in poor rural sections ever migrate to the cities? Is money collected in taxes from the rich States and spent in all the States charity or good business?

13 It is unconstitutional for the United States to tax State, county, or municipal bonds, or the income from them; and in practice, States do not tax their own State or local government bonds Would you favor a constitutional amendment permitting the United States to impose the income tax upon the income from State bonds? What effect would this have upon the rate of interest the States and local governments would have to pay?

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CHAPTER XIII

WAR, NAVY, AND JUSTICE DEPARTMENTS

WAR DEPARTMENT

The Secretary of War directs the army, including the Army War College, West Point, and service schools. He also has charge of fortifications, river and harbor improvements, bridges over navigable streams, and other public works assigned to the engineers from time to time All estimates of appropriations for these functions of the department must be examined by him and referred to the President and to Congress. The War Department is especially subject to the President because the Constitution makes him the commander-in-chief of the army

The General Staff.—During the Spanish-American War (1898), President McKinley, the Secretary of War, and the Secretary of the Navy sat in the War Room at the White House and sent out general instructions to the army and navy, leaving the details to the commanding officers It was seen that these civil administrators lacked practical experience for this duty and, in 1903, a supervising military bureau of the War Department, known as the General Staff, was created.

The General Staff consists of the Chief of Staff, five assistants, and more than a hundred other officers of grades not below that of captain It prepares plans for national defense, investigates the efficiency of the army, and advises the Secretary of War Plans or recommendations are transmitted through the Chief of Staff, and, if approved, the Chief carries them into effect The members of the staff do not serve more than four consecutive years, in the hope that incoming members will have kept in constant touch with the most recent and practical problems of warfare.

Organization of the Army. — In March, 1942, the army was streamlined into three working units — the Army Air Forces, the Army Ground Forces, and the Army Service Forces. This new organization coordinated numerous administrative branches of the army into the three, thus eliminating much of the "red tape" in the army's administration.

The Army Air Forces, headed by a Commanding General, are designed to carry out the many tasks of modern aerial warfare. They train the entire personnel connected with the Air Forces, including the men who engage directly in air fighting, and the technical staff and ground crews who keep the planes in the air. Most of these Air Force operations require a particular type of training that cannot be taught in the ordinary branches of the army.

The Army Ground Forces, with their own Commanding General, constitute a ground combat organization. Modern mechanized warfare has seen drastic changes in the methods of fighting as well as in the equipment used. The Army Ground Forces unit gives advanced training to men who have received their basic training by the Army Service Forces, and with the extensive specialized training necessary, prepares the soldier for combat duty in units. The Field Artillery, Infantry, Cavalry, Coast Artillery, and Armored Forces are divisions of the Army Ground Forces.

The Army Service Forces is the army unit that provides for the army's needs and keeps the soldier supplied with food, equipment, transportation, arms, and basic training. This branch of the army also takes care of medical needs, sanitation, inspection, ordnance, finances, and chemical warfare.

Both the Army Ground Forces and the Army Air Forces would be useless if they reached a combat zone and the Service Forces did not keep a constant stream of materials flowing to the fighting units as well as reinforcements of men.

Branches of the United States Army — The activities of the various branches are described on the following pages.

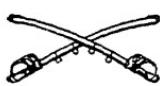
BRANCHES OF THE UNITED STATES ARMY



Air Forces. — Learn to fly and fight and keep 'em flying in one of more than 26 Air Force jobs. Bombardiers, navigators, pilots, gunners, radio men are needed in the air — mechanics on the ground. Train for a career in this fighting service.



Armored Force. — Smash the enemy with a fast-moving, powerful team of tanks, combat cars, trucks, "jeeps," motorcycles. There's thrilling action for gunners, drivers, radio men and mechanics in the Army's tough armored divisions



Cavalry — Whether you like to ride a good horse or handle a fast armored car, motorcycle, or truck, there's a place for you in the Cavalry's mobile striking force. The rougher the going the better the Cavalry likes it.



Chemical Warfare Service. — Here's your chance to be a combat soldier, firing chemical munitions. The 4 2-inch mortar, used for smoke screens to cover the advance of troops, will be one of your principal weapons



Coast Artillery — Want to fire an anti-aircraft gun — or help load and fire a giant coast defense gun? Service with the Coast Artillery will give you experience in gunnery, mechanics, electrical and radio work.



Corps of Engineers — In the forefront of the fighting much of the time, you'll see a lot of action with the Engineers. Building bridges, roads, air-fields, and tank-traps — planning camouflage — are all in the day's work.



Corps of Military Police. — Reliable, clear-thinking men who know how to shoulder responsibility, the Military Police speed troop movements at the front and behind the lines, guard prisoners, enforce order. They are trained fighting men.



Field Artillery. — Here's the outfit that softens up the foe with a barrage of shells, smashes his supply lines, rains fire on his reserves. The guns roll fast behind speedy trucks and tractors. Plenty of action for daring drivers, gunners, and mechanics.



Infantry — Moving 40 miles an hour in big trucks, skiing in snowy mountains, dropping by parachute or flying into enemy territory in transport planes, today's infantry is streamlined. Eleven different weapons give deadly fire-power



Medical Department — Wherever the fighting is toughest the Medical units are on the job, saving lives. Ambulance drivers, laboratory technicians, and able young men for many other duties are needed now in this vital service



Ordnance Department. — The supply and maintenance of all weapons are in charge of the Ordnance Department. Repairing tanks and guns under fire is a job for tough men. There's lots of room for daring drivers and good mechanics



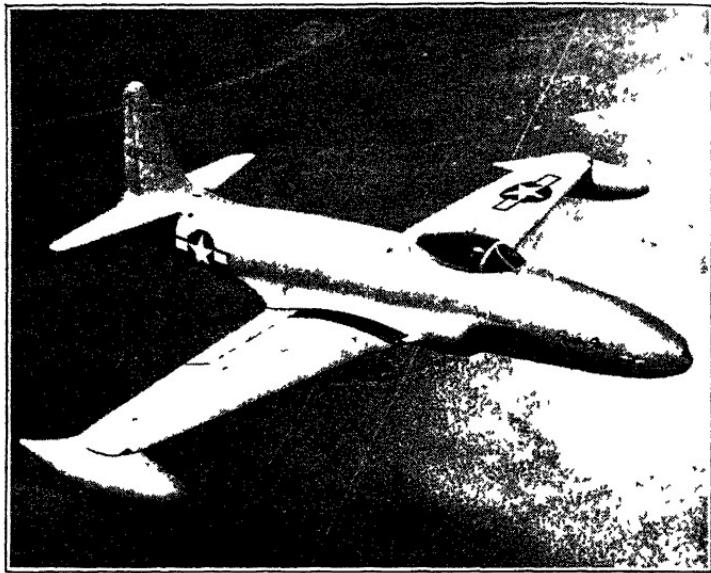
Quartermaster Corps. — Battle smoke and bursting shells can't stop the movement of food and supplies. Men in the front lines have to be fed. The Quartermaster Corps take care of the troops wherever they are



Signal Corps — In the nerve center of the Army, Signal Corps men "get the message through." Radio, telephone, and other means of swift communication are their tools. They work with "electronic sentries" and other secret weapons

The Army Personnel. — The United States Army consists of the regular army, the organized reserve, the National Guard while in the service of the United States, and the draftees.

The Regular Army had an authorized strength of 375,000 enlisted men plus officers before the war. Enlistments are for



Courtesy U S Army Air Forces

UNITED STATES ARMY AIR FORCES' NEW P 80 JET FIGHTER

eighteen months, two years, or three years. A young man may enlist at the age of 18, or at the age of 17 with the consent of his parents.

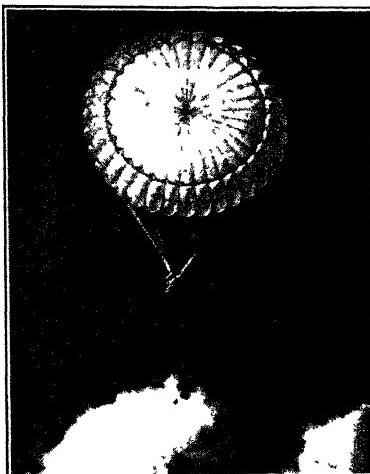
By the end of the war the size of the whole army, which was under central command, was between 7 and 8 millions (plus a navy exceeding 4 millions) We still need an army for the occupation of Germany, Japan, and the many islands recently acquired from Japan, in addition to normal peacetime home needs. Peacetime conscription may be necessary to supply these needs

Reserves. — There are Reserve Officers, Enlisted Reserves, Regular Army Reserves, and National Guard Reserves. Most reserves were in active duty during the war.

National Guard original enlistments were for a period of three years and subsequent ones for a period of one year. When there is no war or crisis the National Guard of any State is subject to the command of the governor. In times of crisis or war the President may order it wherever he needs it. It receives its equipment from the National Government, and since 1916 the guardsmen have received a small regular salary from the National Government. National Guard units were absorbed by the regular army during the war, and served for the duration.

Effect of Recent Inventions on the Army. — The atomic bomb and long-range rockets make war a

game for specialists. Mass armies of conscripts are at the mercy of small atomic bombs. The great need is now for research, and technicians to administer the products of the laboratory and scattered or underground factories. More than ever it is quality rather than quantity that is needed. One atomic bomb is more powerful than 20,000 of the best bombs previously available. There is no known effective defense against the rockets and atomic bombs except to police the world, and this is a job for international marines.



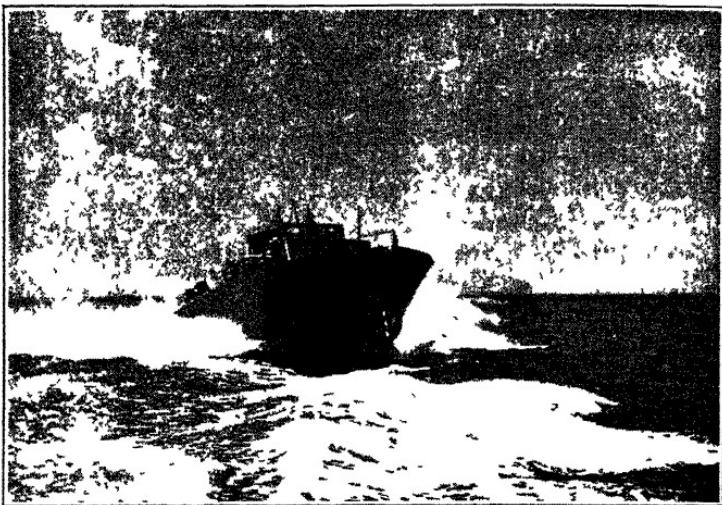
United States Army Signal Corps

A MEMBER OF THE PARACHUTE TRAINING BATTALION

He is controlling the direction of his fall
by manipulating the risers

NAVY DEPARTMENT

Organization of the Navy. — The President is Commander-in-Chief of the Navy as well as of the Army. The Secretary of the Navy, like the Secretary of War, is usually a politically appointed civilian. In the administration of the Navy Department he is assisted by the Under Secretary of the Navy who has



Courtesy Huckins Yacht Corp

PT. PATROL TORPEDO, BOATS ARE THE FASTEST NAVAL VESSELS IN THE WORLD

charge of procuring all types of supplies for the navy. The Assistant Secretary of the Navy is in charge of the Administrative Offices and shore establishments. The Assistant Secretary of the Navy for Air has control of naval aviation.

The Naval General Board advises the Secretary of State on the naval policies of the United States. The members are sometimes called the "Elder Statesmen" of the navy.

The Chief of the United States Fleet and Chief of Naval Operations, who is the principal naval adviser to the President and to the Secretary of the Navy, is an admiral who has supreme com-

mand of the fleets. He prepares and executes plans for naval war operations. In this capacity he is aided by a staff of naval officers similar to the Army General Staff.

Opportunities in the Navy. — The basic fighting unit of the army is the soldier who is trained to become efficient in fighting. The basic fighting unit of the navy, on the other hand, is not the sailor but the warship. The sailor seldom fights hand to hand. His duty is to make the warship an efficient battle machine.

Enlistments and Preliminary Training. — When a young man at least 17 years of age enlists at a recruiting station, he must pass the physical, intellectual, and moral requirements. Then he goes through an intensive eight-weeks' course of training before he sets foot upon a ship. Here he learns hospital cleanliness. Here he is taught to salute, to respect authority, and to say "Aye, aye, sir," instead of "Yes, sir," or "Okay." After three weeks training in the detention unit to safeguard against communicable diseases, he moves into the "Main Side" of the training station. The recruit is now known as "boots" because of the leggings that he wears. He learns to handle a rifle, to drill, to signal, and the basic elements of sailing.

Educational Opportunities — The enlisted man may take specialized courses at one of the navy service schools. Some are held on shore and others are afloat. When the men thus become specialists they receive increased pay. To give the diversified instruction needed, the navy has schools for:

Mechanics	Torpedomen
Woodworkers	Aerographers
Electricians	Aviators
Ordnance men	Deep-sea divers
Clerical personnel	Dental technicians
Musicians	Parachute materielsmen
Hospital corpsmen	Pharmacist mates
Cooks and bakers	Photographers
Fire controlmen	Radiomen
Gyrocompass electricians	Submarine personnel
Motion-picture technicians	Metalsmiths

Chances for Promotion. — There are eight grades of seamen and non-commissioned officers.

- Third, second, and first class non-rated men
- Third, second, and first class petty officers
- Acting Chief Petty Officers
- Chief Petty Officers

The ranks of commissioned officers, who, in peace time, are usually graduates of the Annapolis Naval Academy, are the following.

Ensign	Commander
Lieutenant (Jr Gr)	Captain
Lieutenant	Rear Admiral
Lt. Commander	Vice Admiral
	Admiral

Composition of the Navy. — The navy is composed of the following types:

Battleships: Heavy armor, big guns

“Blisters” — long empty compartments along the sides under water, the outer walls to explode a torpedo before it reaches the main part of the hull.

Number of small compartments made water tight by closing electrically operated doors

Heavy and Light Cruisers: More lightly armed than battleships, but very fast

Destroyers No armor but very fast. Principal weapon is the torpedo

Aircraft Carriers: High speed and sometimes carrying almost 100 airplanes.

Submarines: Crews of submarines receive extra pay.

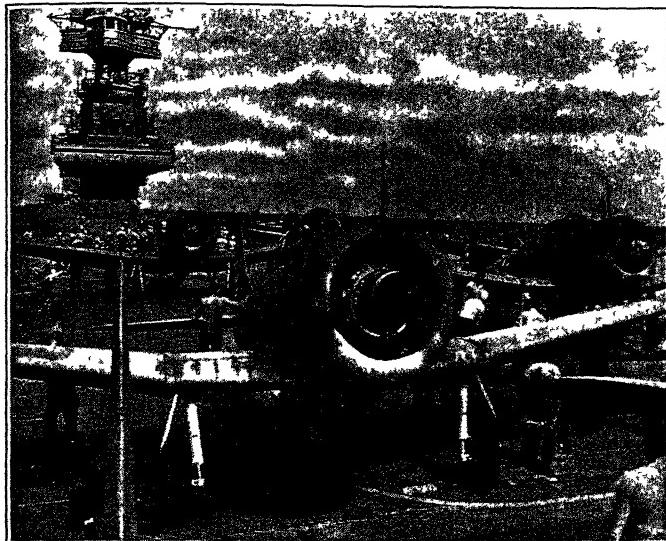
Non-combat Vessels · Tankers, store ships, ammunition ships, transports, mine sweepers, hospital ships, destroyer tenders, submarine tenders, seaplane tenders.

Coastal Defense Vessels Motor torpedo boats, minelayers, submarine chasers, and patrol craft

The Navy in Action. — We usually have three major fleets: the Atlantic Fleet, the Pacific Fleet, and the Asiatic Fleet.

There are also task forces for special duties — especially in time of war. These duties are to convoy our troop ships, to convoy supplies, to attack enemy convoys, or to bombard an enemy base.

When a fleet puts to sea, the largest vessels go in the center of the formation. The lighter vessels on the outer fringe pro-



Official United States Navy Photograph

THE DECK OF AN AIRPLANE CARRIER

These ships have a crew of about 2300 men

tect them from torpedo attack, because the battleships are too heavy to avoid torpedoes by quick maneuvers. Ahead of the main body of heavy ships go the cruisers. And there should be an outer fringe — perhaps fifty miles away — of destroyers and submarines. Aircraft carriers have been extremely important, both to molest enemy fleets, and to protect our own against the enemy's birds of the air.

The Atomic Bomb dropped from a bomber can blow a \$100,000,000 battleship to atoms. This may necessitate the use of smaller craft or increase the use of air craft.

The Marine Corps. — "First to Fight" is the watchword of our Marines, called the "soldiers of the sea." At Wake, Bataan, and in the Solomon Islands, the Japs learned to fear the fighting fury of our "Leatherneck Corps."

The Marines act as a land force for the fleet, fortify land bases from which the fleet can operate, man anti-aircraft guns aboard capital ships, and serve as garrisons for naval establishments.



UNITED STATES MARINES MAKING A LANDING

The Raider Battalion is trained for surprise attacks in rubber boats, amphibian landing boats, or other craft. The Defense Battalion is designed to protect advance bases of the Navy. The Paramarines land behind enemy lines to capture or destroy ammunition dumps, airports, railheads, and highway junctions. Garbed in heavy cloth jumpers, loose-fitting trousers tucked into leather boots, and three pieces of headgear — leather, plastic, and steel helmets — the Marines bail out from their carrier plane at the rate of two a second. Marines are also trained to operate gliders.

The Coast Guard performs all sorts of important duties along our coast in time of peace (see page 228), and in time of war the

President transfers it to the Navy Department to defend our coasts and perform other tasks as part of the Navy

ANNUAL PAY OF COMMISSIONED OFFICERS

NAVY	MARINE CORPS AND ARMY	BASE PAY	ALLOWANCES (Dependents)	TOTAL
Ensign	2nd Lieutenant	\$2,160	\$1,224	\$3,404
Lieutenant Jr. Grade	1st Lieutenant	2,400	1,404	3,804
Lieutenant	Captain	2,760	1,584	4,344
Lt. Commander	Major	3,300	2,016	5,316
Commander	Lt Colonel	3,850	2,196	6,046
Capt., Commodore	Colonel	4,400	1,944	6,344
Rear Admiral (Jr.)	Brigadier General	6,600	1,944	8,544
Rear Admiral (Sr.)	Major General	8,800	1,944	10,744
Vice Admiral	Lt General	8,800	2,432	11,232
Admiral	General	8,800	4,144	12,944
Fleet Admiral	Gen. of the Army	8,800	5,000	13,800

MONTHLY BASE PAY OF ENLISTED MEN

NAVY	MARINE CORPS AND ARMY	AMOUNT
Apprentice Seaman	Private	\$75
Seaman, 2d Class	Private, 1st Class	80
Seamen, 1st Class	Corporal	90
Petty Officer, 3d Class	Sergeant	100
Petty Officer, 2d Class	Staff Sergeant	115
Petty Officer, 1st	Technical Sergeant	135
Chief Petty Officer	Master and First Sergeant	165

ADDED COMPENSATION FOR ALL RANKS

LONGEVITY PAY. Five per cent of base pay for every three years of service up to 30 years.

OVERSEAS AND SEA DUTY Ten per cent of base pay for officers; twenty per cent for Warrant Officers and enlisted men.

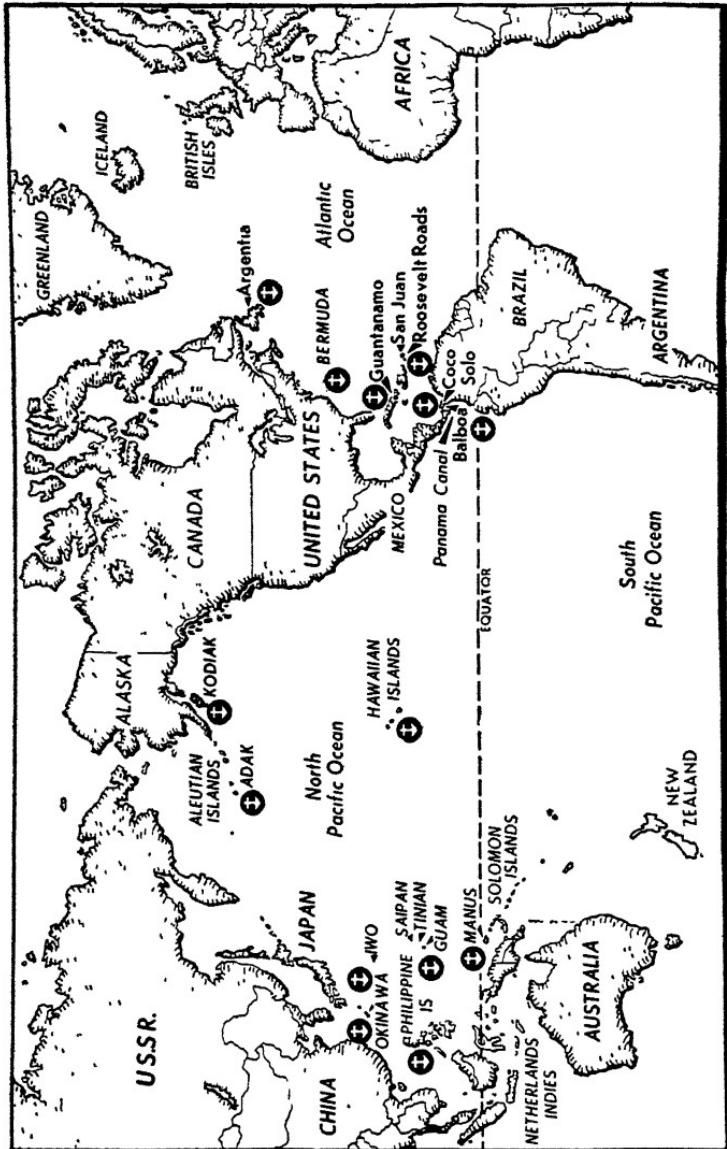
ACTIVE FLYING DUTY Fifty per cent of base pay.

PARACHUTISTS Officers and Warrant Officers, \$100 per month; enlisted men, \$50 per month

SUBMARINE DUTY Officers, twenty-five per cent of base pay; Chief Petty Officers, \$25 per month; enlisted men, sea duty, \$20 per month; enlisted men, shore duty, \$10 per month.

DEPENDENCY AND SUBSISTENCE ALLOWANCES: Enlisted men's allowance for dependents, and subsistence while on shore duty.

INCOME TAX EXEMPTION: \$1500 plus \$500 for each dependent.



THE SYMBOLS SHOW PROPOSED NAVAL BASES IN THE ATLANTIC AND PACIFIC

Our Military Subject to Call by the Council of the United Nations.— Each member of the United Nations agrees to furnish the military force assigned to it by the Council. If a country violates international agreements, as a last resort the Council, by unanimous consent of the Big Five, may call our military force into action. For instance, our military force might include an air force with atomic bombs.

DEPARTMENT OF JUSTICE

The Attorney-General, head of the Department of Justice, is legal adviser to the President and the heads of the other executive departments. He is charged with investigating crimes and the enforcing of an increasing number of criminal laws formerly left to State enforcement or non-enforcement. He is prosecuting attorney for the government, directs the administration of the Federal court system, and supervises Federal prisons.

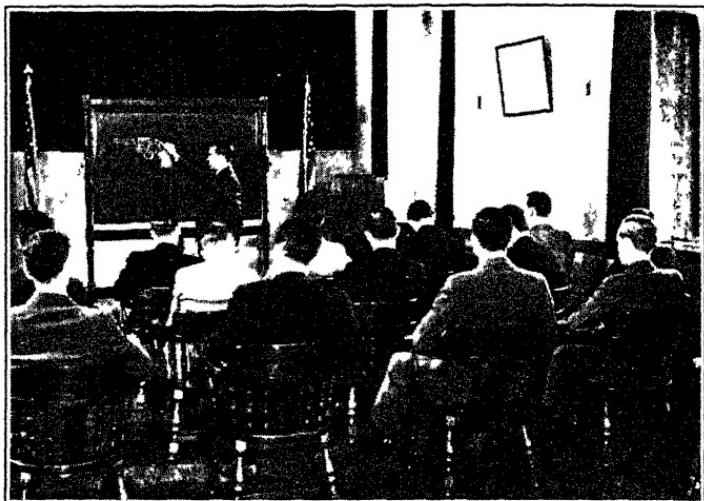
The Bureau of Investigation conducts inquiries into alleged offenses against the United States. Its efforts annually result in the recovery of thousands of stolen motor vehicles; and in prosecutions for crimes connected with antitrust, bankruptcy, and copyright laws, crimes committed on government reservations, for violations of the banking Acts, of the White Slave Act, for thefts from interstate shipments, for the use of the mails to defraud, for the forgery of passports, for escaping from Federal prisons, and for various other Federal offenses.

Identification work is carried on under this Bureau. It acquires, collects, and classifies criminal identification records and exchanges them with officials of countries, States, cities, and other institutions. It now has millions of finger prints and index cards classified according to age, and otherwise.

As prosecuting attorney the Attorney-General seldom appears in court in person. His numerous assistants prepare cases and represent him in court. For example, one group represents the government in all suits brought against the United States in the Court of Claims; another has charge of cases arising out of the

administration of our tax laws, while another is known as "trust busters."

As director of the Federal court system the Attorney-General is consulted by the President in the appointment of Federal district attorneys and Federal district marshals. After these officers are appointed by the President they are under the direction of the Attorney-General.



Courtesy Federal Bureau of Investigation

CLASS OF SPECIAL AGENTS, FEDERAL BUREAU OF INVESTIGATION

The Bureau of Prisons has charge of all non-military Federal penal and correctional institutions. At Atlanta, Georgia; Lewisburg, Pennsylvania, Leavenworth, Kansas; McNeil Island, Washington State, Terre Haute, Indiana, and Alcatraz, California, are Federal penitentiaries. Alcatraz ("the rock"), in San Francisco Bay, is for habitual or dangerous prisoners.

There are four reformatories for male first offenders over 17, and two reformatories for women guilty of Federal offenses. Eight correctional institutions are provided for males serving short-term sentences. Also short-term male offenders may be

sent to the five Federal prison camps where they are used for roadbuilding and other construction work. Prisoners soon eligible for release are often transferred to these camps. Juvenile delinquents guilty of Federal crimes are sent to the National Training School for Boys at Washington, D. C.

The prison hospital at Springfield, Missouri, cares for prisoners who are insane, tubercular, or otherwise chronically ill.

The Federal government contracts with county jails and State institutions for "boarding" Federal prisoners awaiting trial or serving short terms, but in such cities as New York, Detroit, New Orleans, and El Paso it operates its own jails.

The Commissioner of Prison Industries, under the Federal Prison Industries Incorporated, uses prison labor to manufacture materials for Government use only, or he can work prisoners on Federal roads, levees, forests, lands, and the like.

A Police Academy is conducted in the Department, and is open to State and city police free.

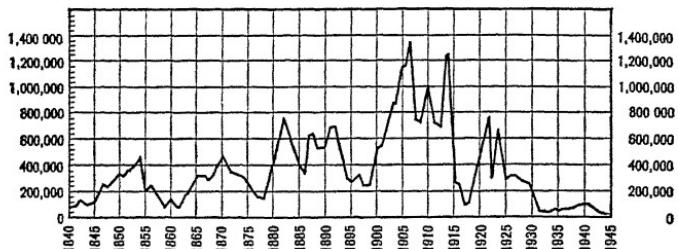
The Board of Parole, consisting of three members appointed by the Attorney-General, was created in 1930 to replace several boards which formerly paroled Federal prisoners.

Probation Officers may be appointed by United States District Court Judges — with or without salary. These officers are to aid persons on probation and to bring about improvements in their conduct and condition. They must perform such duties for persons on parole as the Attorney-General may request.

The Secret Service of the department investigates such breaches of the Federal law as violations of the National banking laws, anti-trust laws, bucket-shop laws, customs and internal revenue frauds, and post office frauds.

The Immigration and Naturalization Service was transferred to the Department of Justice in 1940 when danger of "Fifth Column" activities caused Congress to require all aliens to register, visiting aliens to report every three months, and resident aliens whenever they move. The registration asked searching questions, and required fingerprinting.

The following chart shows the number of aliens migrating to this land of relative liberty from year to year when opportunities were greater here or to avoid religious or political persecution in their native country. For instance, 52% of the immigrants in 1939 and 1940 were Hebrews who had been persecuted and had had their property taken by the Fascists and Nazis.



Congress Has Power to Regulate Immigration under its authority to regulate foreign commerce (Art. I, Sec. 8). People are classed as commerce

Exclusion of Undesirable Aliens. — Congress has banned one undesirable class after another, and now excludes :

- (1) Idiots, feeble-minded or insane persons, epileptics
- (2) Chronic alcoholics, paupers, vagrants, personal beggars.
- (3) Persons with tuberculosis or other dangerous contagious diseases.
- (4) Persons with physical defects affecting their ability to work.
- (5) Persons guilty of crime involving moral turpitude.
- (6) Persons who practice or advocate polygamy.
- (7) Immoral women or persons encouraging immorality.
- (8) Laborers induced to come by contracts or advertisements abroad
- (9) Persons likely to become a public charge.
- (10) Anarchists or persons who teach opposition to organized government.
- (11) Persons who advocate the killing of officials.

- (12) Persons who advocate the destruction of property — sabotage.
- (13) Members of organizations that encourage practices of Nos. 10, 11, 12.
- (14) Adults unable to read any language.

Exclusion of Racial Groups. — After the gold rush of 1849, Chinese came to California in great numbers. They differed from Americans in color, religion, language, and habits; and because of their lower standards of living they could afford to work for lower wages than white laborers. Race riots, starting in San Francisco, spread to other States, and raised the issue of Oriental immigration.

The Pacific Coast States attempted to regulate immigration themselves, and their laws were declared in conflict with the Constitution of the United States. But in 1882 Congress enacted a law excluding skilled and unskilled Chinese laborers. In 1924 all persons ineligible for citizenship (Orientals)¹ were excluded² from the United States. In 1943, as a friendly gesture to China, our Ally, the right to enter under the quota system and become citizens was restored to the Chinese.

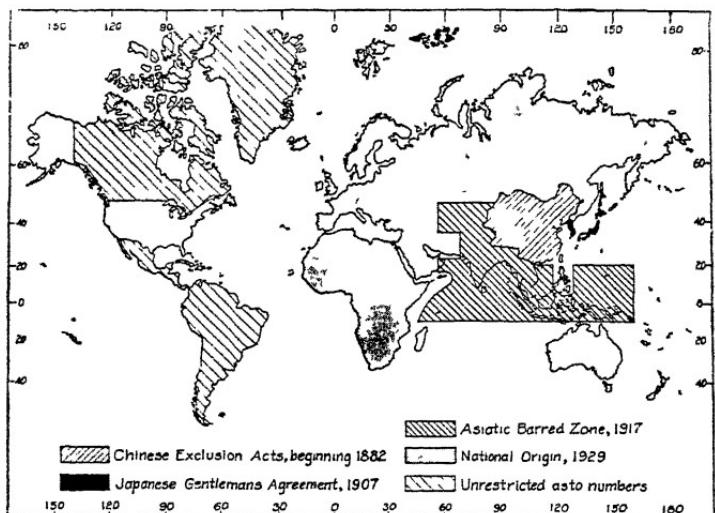
Exclusion by Limited Quotas. — From 1882 the United States excluded one undesirable class or racial group after another. But in spite of these various restrictions the number of immigrants rose to about a million annually during the years just preceding the First World War. Following the War, Congress placed restrictions on mere numbers.

Since July 1, 1929, the "national origins" quota admissions have been restricted to a fixed number per year — now 153,774 — and are allotted to various countries (not races) in the proportion which the different nationalities contributed to the population of the United States as it stood at the census of 1920;

¹ Only Caucasians; American Indians; persons of African descent; and limited quotas of Filipinos, Chinese, and natives of India may enter and become citizens of the United States. Some have become citizens *en masse*.

² Oriental officials, temporary visitors for travel or trade, ministers and professors with their wives and children, and students, are still admitted.

but every country has a quota of at least 100, except that the Philippines have a quota of only 50.¹ A quota of 65,721 goes to Great Britain and Northern Ireland, a quota of 25,957 to Germany, and smaller quotas to other countries.



GRAPHIC HISTORY OF IMMIGRATION LEGISLATION

Non-Quota Immigrants. — Though not exceeding 153,774 quota immigrants are admitted annually, many non-quota immigrants also enter the country annually because the Immigration Act admits the following unrestricted as to numbers: (1) persons, except Orientals, born on the American continents, (2) aliens returning from a visit to their native country, (3) American widows (through death of husband or divorce) who lost their citizenship by marrying an alien before the citizen-

¹ All quotas are available only for persons who are eligible to citizenship in the United States and admissible under the immigration laws of the United States. For instance, the quota for Japan must be persons of Caucasian or African descent who have somehow become citizens of Japan.

In 1934, when the Philippines were promised self-government, we restricted them to a quota of 50 a year.

ship Act of 1922; (4) alien wives or husbands of American citizens; (5) unmarried children under 21 to join parents who are citizens of the United States; (6) preachers and professors and their unmarried children under 21; (7) students at least 15 years of age, including Orientals; and (8) merchants who are granted the right by treaty — *e.g.*, Japanese before the War.



BORDER-PATROL EXCLUDING "WADIES" ILLEGALLY ENTERING THE COUNTRY ACROSS THE RIO GRANDE

How Immigrants Enter the United States. — Every alien immigrant seeking to enter the United States must go before an American consul and obtain from him a visa establishing his apparent right to enter the United States, subject to a further examination at the port of entry. The law requires consuls to deny visas to aliens who, upon examination, are believed to be inadmissible to the United States under any of its laws. A visa fee of \$10 is collected by the consul in addition to the \$8 head tax collected at the port of entry.

The steamship company that brings immigrants is required

to return to the port of embarkation any alien that may be rejected at the port of entry.

During the years indicated the immigration to the United States and migration from the United States were as follows:

COUNTRIES	1940		1943	
	Inward	Outward	Inward	Outward
Germany	21,520	1,978	248	—
Canada . . .	10,806	769	9,571	439
England . . .	5,850	998	901	1,405
Italy . . .	5,302	1,534	49	3
West Indies . . .	2,675	1,300	2,312	35
France .	2,575	542	1,201	9
Mexico	2,313	4,584	4,172	2,498
Hungary	1,902	136	75	—
Belgium	1,713	61	120	—
South America .	1,105	1,004	693	224
Czechoslovakia	1,074	39	102	—
Greece .	811	261	229	1
Eire	749	322	132	10
Poland . . .	702	81	394	1
All others . . .	11,659	7,852	3,526	482
Total Immigrant Aliens	70,756	21,461	23,725	5,107
Total Non-Immigrant Aliens	138,032	144,703		
United States Citizens	258,918	224,727		
GRAND TOTAL . . .	467,706	390,891		

Deportation of Aliens. — However undesirable a citizen of the United States may be he cannot be deported, but aliens can be deported for various offenses.

(1) *Entering the United States Illegally.* — Those who enter with false passports, "wadias" who wade across the Rio Grande, Canadians who fly in at night, or slip across the border without passports are persons of low moral code. Having entered illegally they are viewed as a menace and may be deported.

(2) *Committing Crime within Five Years* — Even if aliens have declared their intention of becoming citizens, they may be deported if they commit a felony within five years.

(3) *Committing Two Crimes before Becoming Citizens.* — Even if aliens have been in the country more than five years, but have not become citizens, they may be deported for having committed the second felony.

(4) *Having Been Convicted of a Crime of Moral Turpitude before Entering* — Those who are known to have committed a crime other than very minor ones are not admitted to the United States; but if this fact is concealed when they enter and discovered afterwards, they may be deported.

(5) *Advocating the Overthrow of the United States Government.* — Those who come here to enjoy the benefits of our Government but spend their time advocating its overthrow may be deported.

Bureau of Naturalization. — The United States government maintains a bureau of naturalization. This bureau keeps records of immigrants and sees that those who desire citizenship may become naturalized according to law.

Three Ways of Becoming Citizens. — All persons born in the United States,¹ and subject to the jurisdiction thereof,² are citizens of the United States and of the State wherein they reside. Inhabitants of acquired territory are usually naturalized *en masse*. Congress determines who shall become naturalized and provides for the naturalization of individuals by the judicial process described below.

Who May Become Naturalized. — Only whites; North and South American Indians; persons of African descent; and the small quota of Filipinos, Chinese, and natives of India who are admitted to the United States may become naturalized. The naturalization of both parents³ naturalizes the children under

¹ Children born abroad to United States citizens who have once resided in the United States are natural-born American citizens, but they must register intention to remain citizens with an American consul at the age of 18, and swear allegiance to the United States at 21.

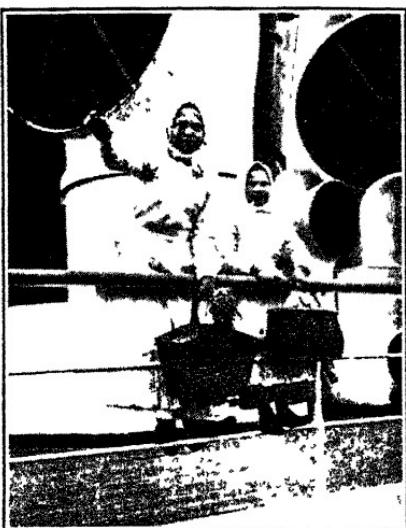
² See amendment XIV, note.

³ If one parent is naturalized after the other, the children become citizens only upon the naturalization of the latter.

eighteen if living in the United States. The naturalization of husband or wife does not automatically naturalize the other¹

In What Courts. — One may become naturalized in a United States District Court (and other Federal Courts) or in any State court of record having jurisdiction of cases in which the amount in controversy is unlimited.

Filing Declaration of Intention. — Any time after entering the United States an alien at least 18 years of age may file a declaration of intention to become an American citizen with the clerk of one of the above courts. This declaration contains facts for identification, and an intention to renounce all allegiance to any foreign state and to become a United States citizen.



DESIRABLE IMMIGRANTS

Two Czechoslovak girls, coming to join their father in Pittsburgh

¹ An alien woman or man must now become naturalized independently of husband or wife, but if the one is a natural-born or naturalized American citizen the other need not file a "declaration of intention" and need reside in the United States only three years before "filing petition."

To-day American citizenship is neither acquired nor lost by marriage. Until 1922 an alien woman became an American citizen by marriage to an American citizen; and an American woman lost her citizenship by marriage to an alien. An American woman who thus lost her citizenship can regain it as soon as the naturalization examiner satisfies the judge that she was once a natural-born citizen of the United States.

Any person born in the United States who lost his or her United States citizenship by naturalization in a foreign country but was readmitted to the United States for permanent residence prior to March 3, 1931, and is eligible to citizenship, may become naturalized in the United States in as short a period as six months.

Filing Petition. — In not less than two years or more than seven after his declaration — and after five years' residence in the United States and six months in the county, the applicant files his petition for citizenship with the clerk. He states that he is not opposed to organized government, that he is not a polygamist, and that he renounces his allegiance to his former country.

Witnesses. — When the petition is filed, two credible American citizens must testify to the clerk of the court that they have known the petitioner to reside continuously in the United States during the last five years, that he has been a person of good moral character and attached to the principles of the Constitution of the United States. If part of the five years has been spent in another county, the petitioner might file depositions from other witnesses to cover that period.

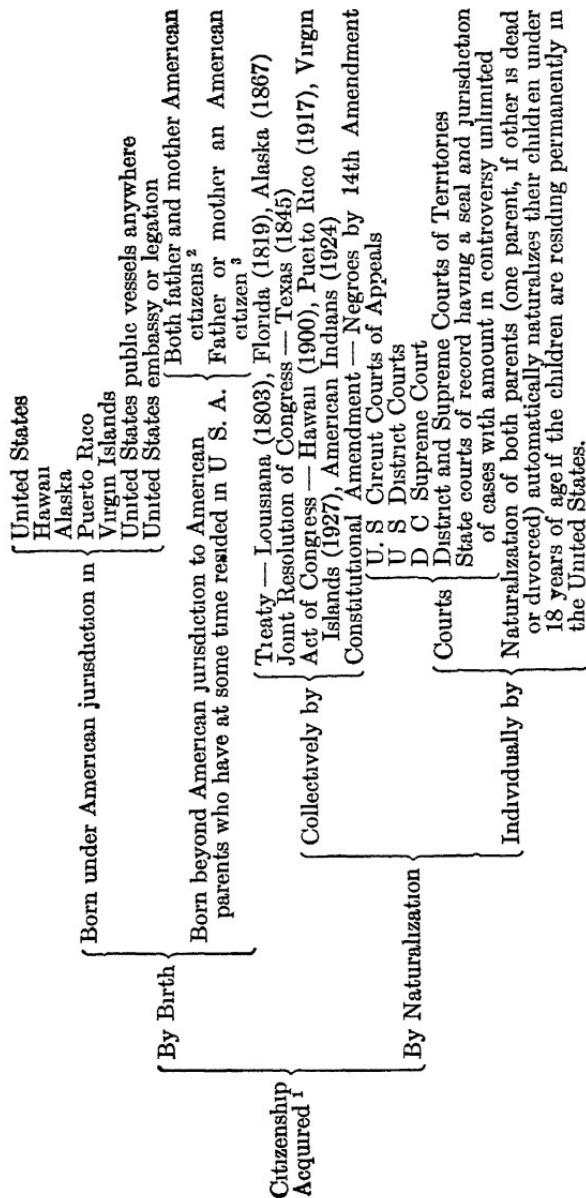
Examination. — Formerly the judge conducted the examination. Now a United States District Judge may appoint a naturalization examiner. The examiner questions the applicant and witnesses and learns whether an applicant speaks English, has a reasonable knowledge of the Constitution and government, and fulfills all other requirements for citizenship. He then reports what he finds with recommendations to the District Judge. The examiner may also perform this service for State judges.

Granting Citizenship. — In not less than 90 days after filing the petition the applicant comes before the judge. The judge may ask a few questions or many, and when he is satisfied that all provisions of the law are fulfilled, including the oath of allegiance, he directs the clerk to issue a certificate of citizenship.

Cost. — The minimum fees for naturalization total \$7.50, plus the cost of photographs, and legal fee if a lawyer is needed.

QUESTIONS ON THE TEXT

- 1 What are the duties of the Secretary of War?
- 2 Explain the organization of the army.
- 3 Describe the Navy, and tell something of its opportunities.



¹ See Amendment XIV.

² Such children remaining outside the United States must at the age of 18 record at an American consulate their intention to become residents and remain citizens of the United States, and they must take an oath of allegiance when they become 21 years of age.

³ Such children (one parent being an alien) must live in the United States for a period or periods totaling five years between the ages of 13 and 21 years.

- 4 Who is Commander-in-Chief of the Army and Navy?
- 5 What are the duties of the Attorney-General?
- 6 What undesirable classes of immigrants are excluded?
- 7 What racial group is excluded?
- 8 Explain the Quota Law
- 9 For what causes may aliens be deported?
- 10 Who are citizens of the United States? Who have obtained citizenship collectively (en masse)? Give the steps by which citizenship is obtained individually
- 11 Does a woman forfeit citizenship by marrying an alien unless she swears allegiance to the country of her husband?

PROBLEMS FOR DISCUSSION

- 1 Rockets and atomic bombs necessitate what changes in methods of defense? Are infantry and cavalry more or less important? Navy? Air Force? Distant naval bases? Distant air bases? Coast Guard? An international police force?
- 2 Give arguments for or against peacetime universal conscription.
3. We spent 2 billions to perfect the atomic bomb. Do you favor continued research in this big way to keep us one jump ahead of other countries?
- 4 Do you agree that the best way to keep out of another world war is to prevent the war? By what methods can we help prevent it?

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CHAPTER XIV

THE POST OFFICE AND INTERIOR DEPARTMENTS

POST OFFICE DEPARTMENT

The Postal Service has become almost a billion-dollar-a-year business conducted to serve the American people promptly and efficiently. An illustration of its dependability is the fact that not one letter in a million is lost.



IN THE FIFTIES THE GOVERNMENT SUBSIDIZED WESTERN MAIL
Without liberal mail contracts there would have been no scheduled mode of travel to the Far West by land

The Postmaster-General is the head of the Post Office Department, which was advanced from a bureau of the Treasury Department to an independent department in 1829. The work of the department is divided among four assistant postmasters-

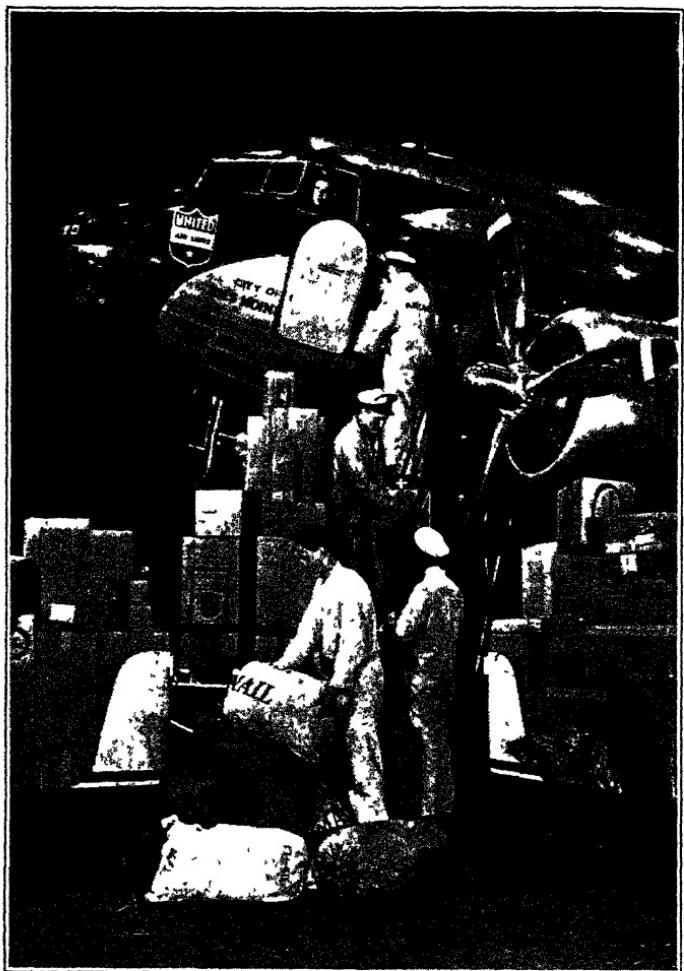
general who supervise this business which now spends about a billion dollars annually. The First Assistant has charge of postmasters and their helpers in thousands of offices; the Second Assistant supervises the carriage of the mail by land, water and air; the Third Assistant has charge of finance, such as the sale of stamps, money orders, etc., and the Fourth Assistant has charge of buildings, motor vehicles, and supplies.

Postmasters are graded into classes (1st, 2nd, 3rd, 4th) according to the receipts of the office¹. Those of the first three classes are appointed by the President and Senate. The Civil Service Commission examines applicants and sends the names of the three highest to the President, who usually appoints the one recommended by the senator if a large office, or by the representative if a small office, and the appointee has indefinite tenure of office. Fourth-class postmasters, postal clerks, letter-carriers, and other minor postal employees are appointed without the ratification of the Senate, and according to civil service examinations. They enjoy permanent tenure.

Post Office Department for Service — Not Profit. — Until the middle of the last century the Post Office Department was expected to pay its own way, or even make a profit. But since 1852 service instead of profits has been our policy; and since that date postal expenditures have exceeded receipts every year except eight until 1943 when the war boom and increased postage rates made the postal system self-supporting. Government-owned post offices are paid for and serviced by general funds appropriated by Congress — and not from postal receipts.

Low Postage Rates. — Originally letter postage was determined by distance and by the number of pages, envelopes not being used. Then a four-page letter from Boston to Charleston, South Carolina, cost one dollar. In recent years such a letter

¹ First-class postmasters receive an annual salary ranging from \$4000 to \$12,400; second-class, between \$3400 and \$3800, third-class, between \$1800 and \$3000. Fourth-class postmasters receive not exceeding \$1584, the amount depending upon gross postal receipts.



Courtesy United Air Lines

A FLYING FREIGHT CAR

These liners, which fly between New York and Chicago, are the only ones in the country carrying only mail and express

has been sent all the way to Hawaii or to any remote place in this country for 3 cents.

Air Mail below Cost. — The 5-cent stamp on an air letter scarcely covers the cost of handling. Air mail has usually been carried for less than cost; but it has encouraged aviation and trained pilots for the war. The mail subsidy also hastened the development of air routes for travel and express.

Cheap air mail saves the public millions of dollars which they would otherwise have to spend for telegrams. It also speeds business and makes one dollar do the work of two. A check from New York to Chicago can be returned to New York the same night, thus saving a whole day by train. For instance, in one mail a Chicago bank returned enough checks to New York to save the bank \$1700 interest in one day.

Village and Rural Free Delivery below Cost. — Village and rural free delivery service is truly a service and not a self-sustaining enterprise. Congress extended this service so that farmers and their wives might have the morning paper and the morning mail almost as soon as their city friends. Then Congress established the parcel post with rates so low that some isolated individuals find it cheaper than bulk freight rates into inaccessible mountain regions.

Special Below-Cost Rates Are Granted Certain Periodicals Not Published for Profit — Periodicals issued by religious, educational, scientific, fraternal, and trade union organizations, as well as health, charities, and agricultural departments of State governments, enjoy a below-cost rate of postage because they are published for the public good and not for profit.

All Periodicals Are Carried at a Loss if "for the dissemination of information of a public character, or devoted to literature, the sciences, arts, or some special industry." One Postmaster General denied *Esquire* the below-cost rate as not coming under this classification, and as bordering on obscenity; but the courts restored the low rate to the magazine. Periodicals are carried at a loss of about \$100,000,000 a year.

Free Directory Service is given 200,000,000 pieces of mail annually. Postal clerks must hunt up local addresses.

Free Postage for County Newspapers. — Because of the difficulty of financing a newspaper in a rural community, any newspaper is distributed free within the county of origin at offices which do not have the free delivery service.

Free Postage for Literature for the Blind — Libraries, or other public institutions for the blind, may mail books or other non-advertising reading matter in raised type or sound records free; and the recipient may return the same free

Reduced Postage on Books. — To encourage reading, books may be mailed anywhere in the United States at 3 cents a pound up to 16 pounds Periodicals without advertising may be sent at $1\frac{1}{2}$ cents a pound by the publishers

The Franking Privilege for Government Mail. — Congressmen may send their official letters and other official mail free under what is called the "franking privilege." For instance, they can have their speeches reprinted from the Congressional Record at cost and mail them free Before an election a congressman can have political material printed in the Congressional Record, reprints made at cost, and mailed free to post office and R F D "Box Holders" without even going to the trouble of having to address them.

The Federal departments and agencies, agricultural colleges, experiment stations, etc., are also permitted to send their official mail, such as letters, reports, and documents (up to 4 pounds) without stamps, but the Post Office Department is paid for this "penalty mail" in a lump sum

U. S. Savings Stamps and Bonds. — Post Offices and banks sell 10¢, 25¢, 50¢, \$1, and \$5 savings stamps. These may be mounted in free albums which, when filled, can be exchanged for savings bonds An album of seventy-five 25¢ stamps, having a total value of \$18 75, will purchase a bond which in ten years will be worth \$25 00 (See pages 106 and 221.)

Many people systematically save by buying savings bonds

for self education, the education of their children, or for old age. The scheme promotes thrift and patriotism as the ownership of a Government bond makes one more interested in the welfare and preservation of the Government.

Other Special Duties of the Postal System — Besides its routine work the Postal System handles deposits and pays 2% interest, sells Government bonds, has registered laborers under the Social Security Act; has taken a census of the unemployed; has carried billions of dollars' worth of gold by registered mail from New York and Philadelphia to Fort Knox, Kentucky; and sells about \$2,000,000 worth of stamps through the Philatelic Agency annually.

Prohibited Articles. — The following articles cannot be sent through the mails: parcels beyond a specified weight and size, poisons, explosives, liquors for beverage purposes, live animals and other things dangerous to the mail or the postal employees, concealable firearms except to dealers and officers; obscene matter, lottery tickets or other prize schemes dependent upon chance, and fraudulent schemes. Some matter is excluded except under regulations prescribed by the Postmaster-General.

Fraud Orders. — When any person or firm attempts to procure money or property through the mails by fraudulent schemes, or schemes of chance, the privileges of the mails are withdrawn from the offender.

If the Postmaster-General decides that a business is fraudulent



Courtesy U S Treasury Department

CHILDREN SAVE THEIR PENNIES AND BUY SAVINGS STAMPS AND BONDS

he issues a "fraud order" to the local postmaster and to the person accused, whereupon the postmaster stamps the word "fraudulent" upon all letters addressed to the accused and returns them to the writers either direct or through a Dead Letter Office if they must be opened for the return address.

THE INTERIOR DEPARTMENT

The Secretary of the Interior is the head of the Department of the Interior, which department grew out of the large accession of territory following the Mexican War. In 1849 various functions were withdrawn from the other departments to form this department. It now contains the general land office, geological survey, bureau of mines, bureau of reclamation, division of grazing control, petroleum conservation, bituminous coal conservation, office of Indian affairs, division of territories and island possessions, fish and wildlife service, national park service, and soil conservation on public lands.¹

The Department of the Interior is the land, home, and recreation department of the Government. It surveys and reclaims lands, conserves soils and fuels and generates power for the home, and handles playgrounds and wildlife for recreation.

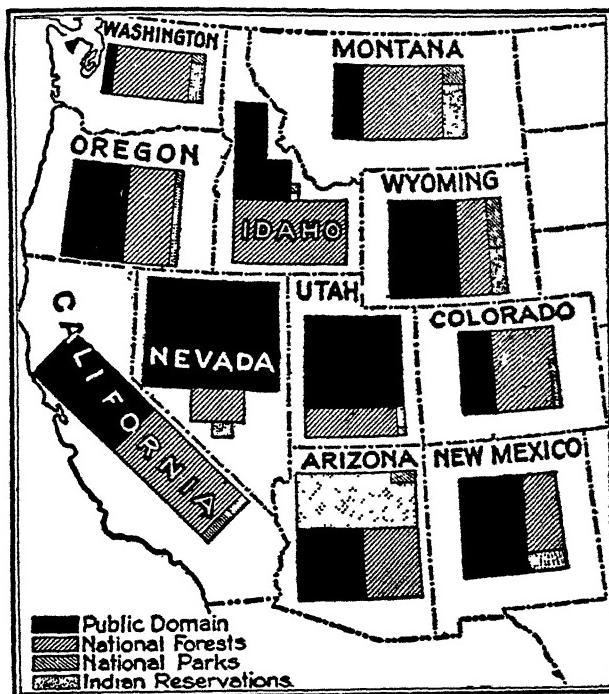
The General Land Office, the most important bureau of the department, has charge of the survey, management, and disposition of the public lands of the United States, and of the minerals therein.

Extent of and Exploitation of Public Lands — The original States surrendered their public lands to the National government, which assumed the State debts. Other public lands were acquired by conquest or purchase in our westward expansion. Most of this land was sold or given to settlers in 160-acre homesteads; but large tracts were given to railroads as an inducement to build into the unsettled West; much was given to States for

¹ Soil conservation on private lands is administered through the Agricultural Adjustment Administration in the Department of Agriculture

education; but 165,000,000 acres, the worst, remains unreserved national lands.

Much of this public land was once well supplied with grass, but by allowing everybody to graze the land it became so over-



From New York Times

MORE THAN HALF THE LAND IN THE ABOVE STATES IS HELD BY THE NATIONAL GOVERNMENT

stocked that much of it has become mere dusty plains — the water now washing gullies instead of being conserved by a heavy turf.

The following passage is self-explanatory: "In the old days cattle grazed knee-deep in verdure, rain sank into a spongy ground-covering and found its way gradually into the streams.

But for a generation the range has been so overgrazed that every spear of grass has been cropped when it appeared and has been prevented from making seed for later growth. The ground has become bare, trampled down by much grazing. Rainfall runs from bleak, hard hillsides as it might from a tin roof. It cuts deep gullies in them, washes the rich humus from the surface, and exposes the underlying clay. Freshets go tearing down the Rio Grande, mud-laden, and the vegetation-producing soil finally comes to rest in the reservoir created by the Elephant Butte dam, decreasing its storage capacity. A splendid asset, neglected, has become a local menace."

Conservation of Public Lands instead of disposal is the present Government policy. Some is reserved for oil or gas or minerals, some for water power sites,¹ and over most of it grazing is now restricted. Cattle men now pay a license fee for the privilege of grazing a limited number of cattle on the public lands. A Director of Grazing, appointed by the President and Senate, supervises the granting of these licenses; and the States within which the licenses are granted receive half of the license fees.

The Bureau of Reclamation. — *Introduction.* — Brigham Young, traveling with his caravan to Utah, told his Indian scout that he intended to plant a farming community beyond the mountains. The scout pooh-poohed the idea and offered a thousand dollars for the first ear of corn that was grown. In July, 1847, these pioneers came from Immigration Canyon into the parched Salt Lake Valley. They unhitched their teams along the little stream now known as City Creek; and the same afternoon they unloaded their plows and began breaking this dry desert land. The next day the stream was diverted, the plowed land irrigated, and potatoes planted. This was the beginning of Anglo-Saxon irrigation in the West. To-day 200,000 people live in this Salt Lake Valley region.

¹ For many years the Government has reserved power sites and sub-soil deposits even in lands disposed of for homesteads.

Reclamation Act of 1902 — In 1902, largely through the efforts of President Theodore Roosevelt, the Reclamation Act was passed. This and later Acts set aside money obtained from the sale and lease of public lands as a "revolving fund" to be applied to the reclamation of arid lands. When an irrigation project is completed, the land is sold to farmers in small tracts.



IRRIGATION IN ARIZONA

on easy terms, and the money collected from these sales goes into the revolving fund to be used in the construction of additional irrigation plants. This revolving fund amounts to about \$165,000,000, but is now increasing very little because of our conservation policy. For large reclamation projects Congress has to appropriate additional funds.

Accomplishments. — The Bureau of Reclamation has built up a staff of experts on irrigation now competent to handle enormous projects like that at Grand Coulee, and its projects now water

an area of between four and five million acres which produce products valued at between \$100,000,000 and \$200,000,000 annually

Some projects have not attracted enough settlers to make the projects an economic investment for the government, but the total results are satisfactory. Where there was practically nothing there is now property worth half a billion dollars. When one sees a train of 167 cars of cantaloupes pulling out of an irrigation project, or an even longer train of lettuce, he cannot help thanking his government for the fruits of its labors.

Boulder Reclamation and Power Project. — The hot semi-tropical Imperial Valley at its lowest point is 300 feet below sea level. It was originally part of the Gulf of California. But the Colorado River brought down enough mud every year to cover 100,000 acres a foot deep. When in flood the river was too thick to drink and too thin to plow. So in time it filled the Gulf of California and built up a deltaic ridge, which is now over 100 feet above sea level at the international boundary.

This ridge forms the southern rim of the Imperial Valley. The Colorado River, flowing along it until it turns south to the Gulf of California, was kept out of the low valley by a levee 70 miles long; but as the river became higher each year there was danger of a break in the levee and of flooding the homes of a hundred thousand people.

Now the Boulder Dam, built by the Bureau of Reclamation, creates a navigable lake a hundred miles long which catches the silt that was raising the level of the river down at the levees, and it provides water to irrigate 50 per cent more of the Imperial Valley area than formerly.

The dam also generates 663,000 continuous horsepower of electricity, thereby saving 23,000,000 gallons of oil used annually in California to generate electricity.

Moreover, the electricity pumps over the mountains an abundance of clear water to Los Angeles and neighboring communities 265 miles from the Colorado River.

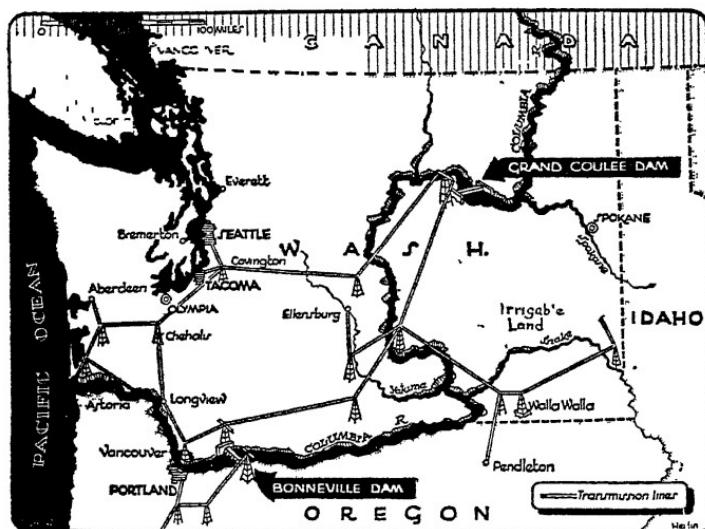
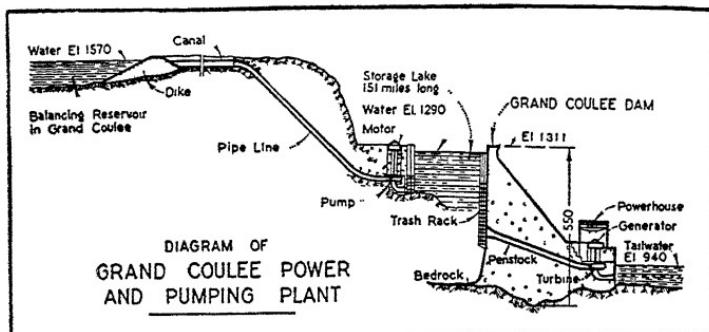
© Spruce Mr Photo

Boulder Dam and Lake Mead



This Boulder Project will pay for itself in about 50 years and will be no expense to the United States Government.

The Grand Coulee Dam, completed on the Columbia River in



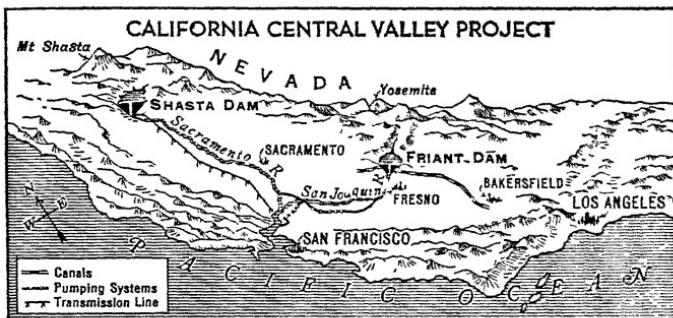
Courtesy New York Times

1942, will provide water to irrigate 1,200,000 acres, which is larger than Rhode Island. Its power plant is the world's greatest, and has a 2,700,000 horsepower capacity. The flow of water is five times the flow at Boulder Dam, and can

produce five times the power of the American Falls at Niagara.

The project demonstrates a stream that lifts itself by its own bootstraps. During flood season surplus power will lift the water to a natural reservoir from which it will flow by gravity to a million acres. During the war the power was used for the production of aluminum, atomic bombs, and for other great defense industries.

The California Central Valley Project, with its Shasta Dam near Redding, now supplements the insufficient water for the rich San Joaquin valley, and supplies power to pump the water



where needed. The constant flow of fresh water protects land from salt water which may back up from San Francisco Bay.

The National Park Service.—The people's playgrounds—the great national parks and allied areas that make up the national park and monument system—are supervised by this Service. In this system are more than 130 separate areas, of wide variety and public appeal.

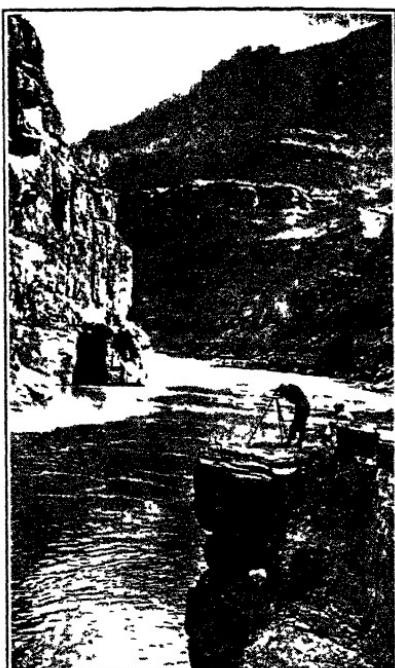
The Geological Survey has made topographic and geologic maps of nearly half of the surface of the United States; and because of this work we not only know the height of hills and the volume of water which flows in streams, but we know where some valuable minerals are likely to occur below the surface.

As an illustration of the value of the work done by the Geological Survey, a number of years ago when the Lackawanna Railroad relocated thirty-four miles of its main line the head engineer of construction sat comfortably at his office desk and ran all the preliminary surveys, and even made the final location for the \$12,000,000 improvement from the data contained on the topographic sheet. This is only one example of the many advantages we get from the Geological Survey.

Mineral Rights Reserved.

—The Geological Survey makes mineral surveys and classifies the public lands, besides supervising the engineering phases of mineral leasing. Homesteaders now have only surface rights, the mineral rights still remaining with the government. The government then leases mining, oil, and gas rights on the homestead lands as well as on the public lands for a period of years on a royalty basis; and a certain percentage of this royalty is given to the State in which the leased land happens to be.

Petroleum and natural gas are found in underground "lakes." Hence when oil and gas are "struck" in a locality every one who



UNITED STATES GEOLOGICAL
SURVEYORS AT WORK

To them we owe our thanks for valuable information, maps, and photographs of the Colorado River and the Grand Canyon

owns land or has a government lease drills for oil, and the one who operates fastest makes the most money because he can drain the liquid oil or gas from his neighbors' subterranean lakes. This situation results in a wild rush, over-production, low prices, and the encouragement of waste both on the part of the producers and the consumers. As an example of this waste in production, at Kettleman Hills, California, a score of interests had sunk so many wells that the gas wasted from these wells exceeded 450,000,000 cubic feet of gas a day.

Part of the 10,800 acres of Kettleman Hills was owned by the Standard Oil Company, part by other interests, and part was leased from the government by the same or other interests. To conserve our oil which was so wastefully being exploited, Congress in 1930 and 1931 authorized the Secretary of the Interior to permit government lessees to pool their interests with others for unit production. Therefore, in 1931, these various interests formed the Kettleman North Dome Association — a corporation to operate the pool as a unit for the life of the field, dividing the profits on the basis of the acreage held by each interest.

A 1946 amendment to the Mineral Leasing Act provides that the lessee of public domain forfeits his lease if he does not use all reasonable precautions to prevent waste of oil and gas in his explorations and mining operations.

The Bureau of Mines has examined hundreds of deposits of strategic minerals in the 48 States and Alaska — many of them by shaft-sinking, tunneling, and diamond drilling; and by experimental pilot plants, a domestic supply of such minerals as manganese and bauxite was made available for the War.

This Bureau also supervises mine rescue training and investigates the causes of mine fires and explosions. It has reduced the number of deaths in mines from about 500 to about 50 a year. It makes thousands of coal analyses for prospective miners, and for the benefit of the Government and individuals in the selection of suitable coals.

Our reserves of petroleum will soon begin to fall and prices

to rise, so this Bureau is experimenting with coals to determine which are most suitable for the manufacture of gasoline. It also operates a helium-producing plant at Amarillo, Texas.



Courtesy Bureau of Mines

MINING ACTIVITIES SHOWN AT THE BUREAU OF MINES

The Commissioner of Indian Affairs has charge of the lands, schools, moneys, supplies, and general welfare of about 337,000 Indians living on reservations. He acts as a sort of trustee to supervise the leasing of forests, mineral lands, and water power on reservations. And the Act of 1934 directs him to encourage tribal self-government and cooperative enterprises.

Old Policies. — When the white man pushed the Indians westward, he set aside portions of the public domains, called "reservations," and within these areas the Indians were allowed to practice their tribal customs. The tribes were regarded as nations and the Government made treaties with them. These treaties were sometimes violated by Acts of Congress, and in 1871 the treaty policy was abandoned and their persons and property came directly under the legislative power of Congress.

By the Act of 1887 and subsequent laws the President was given authority to divide reservations into homesteads for Indians and surplus land into homesteads for whites. After a

designated period of years some Indians were allowed to sell or lease their individual lands; and since 1887 two thirds of these lands have been acquired by whites.

In 1924 Congress extended American citizenship to all Indians born in the United States. The aim was to prepare them to perform social, political, and legal duties of citizenship as any



SOUTHERN NAVAJOS BEFORE A HOGAN

This earth-covered lodge is warm in winter and cool in summer.

other citizen of the State in which they live. In other words, every Indian was expected to learn to hoe his own row among whites.

New Policies. —John Collier, appointed Commissioner of Indian Affairs in 1933, believed that most Indians are not trained to compete with whites in our form of civilization, and that the elimination of tribal life would leave most Indians as stranded paupers. So he secured new legislation the next year.

The 1934 Act of Congress provides that no more reservation Indian land shall be allotted to individual Indians; forbids the sale of restricted Indian lands; authorizes the Secretary of the Interior to restore to tribal ownership remaining "surplus lands" in reservations heretofore opened for sale; authorizes the appro-

priation of \$2,000,000 a year for the acquisition of additional lands for Indians inside or outside the reservations; and authorizes new reservations on such lands.

The 1934 Act further authorizes an Indian tribe or tribes, by a majority vote, to adopt a constitution for the revival of a limited amount of self-government. It authorizes a tribe, by a majority vote, to form a commercial corporation for the co-operative holding of land or other enterprises; and the Act appropriated \$10,000,000 as a revolving fund to make loans to these enterprises.

The new educational policy is to give Indians such vocational education as will prepare them for subsistence homesteads and for leadership among their own people. And the Act gives preference to Indians for positions in the Indian service without a competitive examination.

The Fish and Wildlife Service operates fish hatcheries, and investigates the best methods of cultivating and conserving the supply. It administers the Alaskan fisheries and sealeries. It also investigates birds and wild mammals for farmers and foresters, and promotes useful wildlife animals.

QUESTIONS ON THE TEXT

1. What are the duties of the Postmaster General?
2. What is the minimum and maximum pay for postmasters?
3. Explain why there is usually a deficit in the Postal Service.
4. What is meant by the *franking privilege*?
5. Explain United States Savings Bonds.
6. Name some special duties of the Postal System.
7. What articles are excluded from the mails?
8. What is a *fraud order*, and by whom is it issued?
9. What are the duties of the General Land Office?
10. Explain how we are trying to conserve our public lands.
11. Explain the Reclamation Act of 1902.
12. What are the duties of the Geological Survey?
13. What are the duties of the Bureau of Mines?
14. Explain how we are trying to conserve our petroleum.
15. Contrast the old and the new Indian policies.

PROBLEMS FOR DISCUSSION

1 When a new post office building is erected in a small town the janitor for the new building often costs as much as the rent of the former quarters. This appears extravagant. On the other hand, a new, well-ventilated, and well-lighted building of pleasing architecture may inspire the people of the town with respect for the government and for other civic improvements. Do you favor a government-owned post office?

2 The general post office and 21 of the larger postal stations in New York and the general post office at Brooklyn are connected by 27 miles of double 8-inch pneumatic tubes which carry first-class mail at the rate of 30 miles an hour. Is such a system justified even if it costs more than motor bus service?

3. It is unlawful to use the mails for a fraudulent purpose. For instance, some years ago a young man from a distant State went to Maryland, married a wealthy woman, and persuaded her to send him to Philadelphia to study medicine. The young man used the allowance to support himself in idleness instead of devoting it to an education. But, inasmuch as he had used the mails to request money fraudulently from the Maryland woman, he was prosecuted by Uncle Sam.

We have seen how the United States Government has expanded its powers through its right to regulate interstate commerce and its right of taxation. Is this right to prevent fraudulent use of the mails likely greatly to increase its powers?

4. In a New Zealand post office a person can buy stamps, mail a letter or parcel, send a telegram, deposit money, collect a pension, report births and deaths, and insure his life. What new functions do you think our postmasters might economically perform?

5. In 1932, following the kidnaping of Charles Lindbergh, Jr., Congress enacted a law providing that whoever, with intent to extort money, mails matter containing any threat (1) to injure the person, property, or reputation of any person, or (2) to kidnap any person, or (3) to accuse any person of a crime, or containing any demand or request for ransom or reward for the release of any kidnaped person, shall be fined not more than \$5000 or imprisoned not more than twenty years, or both. Could Congress penalize such a threat by local telephone? By long-distance telephone from another State?

6. Give arguments for and against the low postage rates for books provided in 1938. What are the new rates?

7. Why does the possession of Savings Bonds by millions of people create loyalty to the Government? Why have these bonds become such a popular form of investment?

278 POST OFFICE AND INTERIOR DEPARTMENTS

8. Oil interests favor a protective tariff on oil to cut off foreign oil competition. What effect would such a tariff have on the price of oil in the United States? On the conservation of oil in the United States? The exhaustion of our oil wells will have what effect on the price of gasoline?

9. Does reclamation of arid lands increase or decrease the value of unfertile lands which are not irrigated? Increase or decrease the output of agricultural products per man? Increase or decrease national wealth? Should the Government develop reclamation projects?

10. Why are National parks more important than in times past?

11. Should the United States buy inferior farm lands and plant forests on them, and thus relieve overproduction?

12. Some claim that we should discontinue agricultural research and irrigation because we already have a surplus of farm products. Is this sound reasoning, or should we continue to make everything as efficient as possible and use surplus labor to do for the public valuable things now neglected?

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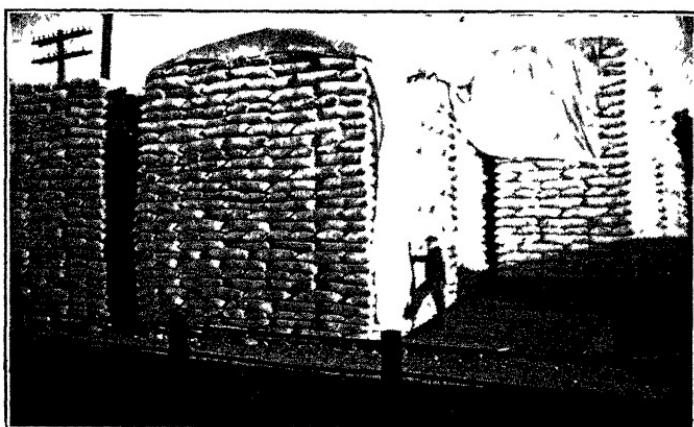
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WHAT IRRIGATION DOES

CHAPTER XV

THE DEPARTMENT OF AGRICULTURE

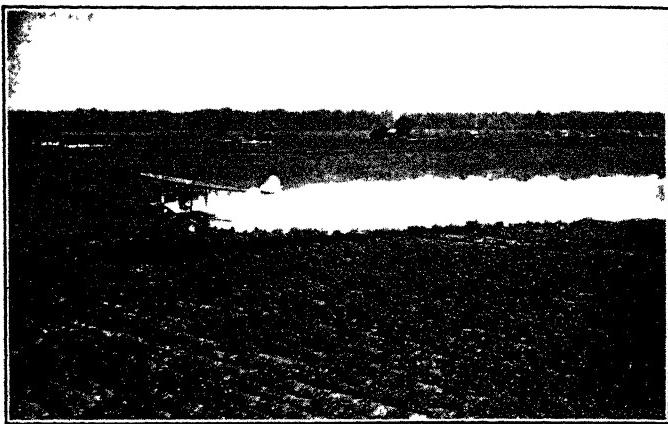
The Department of Agriculture is the most scientific of the ten departments. It employs numerous experts in many lines to make studies and conduct experiments and pass the information on to the general body of farmers.

The Secretary of Agriculture has charge of the following:

Animal Industry, and Dairy Industry		
Plant Industry, Soils, and Agricultural Engineering		
Entomology and Plant Quarantine		
Agricultural and Industrial Chemistry		
Human Nutrition and Home Economics		
Experiment Stations	Extension Service	
Forest Service	Rural Electrification	
Farm Credit	Commodity Credit	Crop Insurance
Agricultural Adjustment	Farm Security	Marketing

AGRICULTURAL RESEARCH ACTIVITIES

The Bureau of Animal Industry studies animal diseases, enforces the National quarantine laws for livestock, and is carrying on a determined campaign to root out tubercular cattle. By experiments in the breeding and feeding of livestock and poultry, it has discovered that a large portion of the dairy cows of the United States do not pay for their feed; and if the Bureau's directions were followed as to the best breeds of chickens to keep and how to feed them, it is estimated that the increased annual value of eggs would be \$50,000,000. Also the Bureau has discovered that cows fed on a good grade of alfalfa hay produce milk with five times as much vitamin A in it as do cows fed on a good grade of timothy hay.



United States Department of Agriculture

ABOVE. AIRPLANE DUSTING COTTON FOR BOLL WEEVIL CONTROL
BELOW. THREE-STORY EGG FACTORY IN PENNSYLVANIA

The Bureau of Plant Industry, Soils, and Agricultural Engineering investigates plant production, the improvement of soils, and mechanical devices for the production and handling of farm crops.

Plant Industry — This Bureau has ransacked the world for new crops suitable to the American soils. During the past quarter-century more than 50,000 new plants and seeds have been brought here for trial, and many of them are an important part of our agriculture. In 1870 it brought the navel orange from Brazil and introduced this fruit in California, where it has become one of the principal crops. It has introduced the soy bean from China and the pistachio nut from Western Asia. From Egypt it introduced the long fiber Pima cotton which has brought prosperity to the Salt River Valley of Arizona.

Soils — This Bureau also maintains the soil analysis survey by which a farmer can learn from the physical and chemical analysis that the Bureau makes which of his fields are best adapted to certain crops and what fertilizers to use. In buying a new farm, he can know what kind of soil he is getting.

Engineering. — This Bureau investigates and improves farm machinery and equipment, including farm buildings. It has improved such appliances as harvesters, hay driers, cotton pickers, flax machines, water systems, and sanitary devices.

The Bureau of Entomology and Plant Quarantine combats insects which are a menace to crops, animals, and persons. A favorite method of fighting insect pests that come from a foreign shore is to go back to the home of the pest and discover its natural enemy. When the white scale of citrus fruit threatened this fruit industry of California, the ladybug was imported from Australia to save the industry. From California the ladybug was carried to various sections to prey upon the aphid and plant lice. One ladybug will eat about two hundred plant lice a day. The Smyrna fig trees of California did not bear until the fly which is the go-between in fertilizing the fig was imported from the Orient.

The Bureau of Agricultural and Industrial Chemistry finds new uses for farm products, discovers processes for converting agricultural wastes into useful commercial articles, and carries on research in foods, feeds, and drugs. It maintains numerous

experimental farms and laboratories. For instance, it has developed methods of preserving foods by freezing or dehydrating, and of manufacturing sheer cotton hose. It also is seeking a cheap substitute for gasoline from farm products.

In 1941 four great regional laboratories for research in utilization of farm products were opened at Peoria, Illinois; New Orleans; Wyndmoor, Pennsylvania; and Albany, California.

The Bureau of Human Nutrition and Home Economics helps to raise the standard of home living through research and educational activities. It plans

GOAT STAND AT U S EXPERIMENT FARM

The Department of Agriculture does not overlook research even as to how we may get more and better milk from the hardy goat for babies that cannot digest cow's milk or the poor who cannot afford it.

Note the convenient milking stand

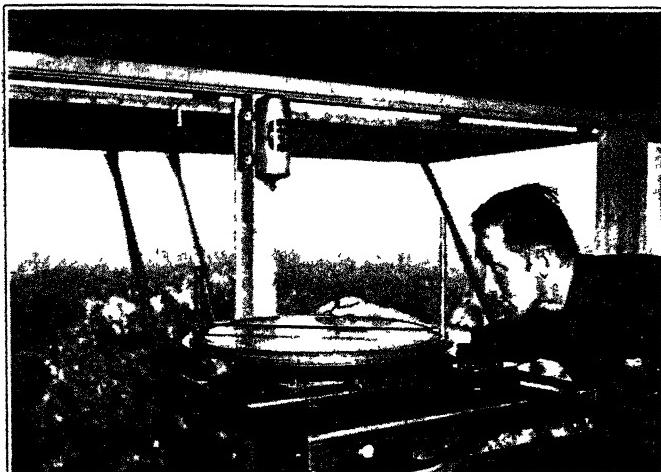
diets to safeguard health and to get the full return in food value from whatever supplies are available. It develops better ways of cooking foods, and works out recipes for low-cost, easy-to-prepare foods. It furnishes safe directions for home canning. It prepares consumer buying guides on textiles and home equipment. This research is made available through bulletins, press releases, radio talks, and exhibitions.



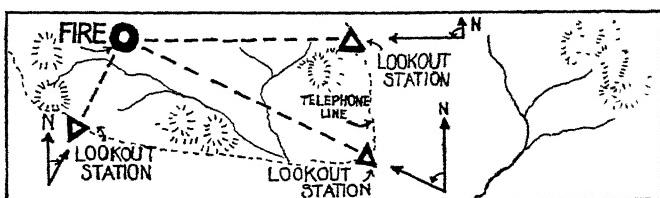
Experiment Stations. — In addition to the large central experiment station at Beltsville, Maryland, there are experimental farms in every State coordinated with the Department of Agriculture through the State Agricultural Colleges

THE FOREST SERVICE

The Forest Service has charge of the National Forest reserves — now approximating 176,000,000 acres. (See National Park



United States Forest Service



LOCATING A FIRE

The lookouts draw sights on the fire and radio their observations to a dispatcher. He extends the various lines of sight on his own map. The intersection of the lines gives the location of the fire.

Service in the Interior Department) We preserve the numerous large forests because they prevent floods which denude the soil, and they conserve the winter rains and snow that make rivers navigable in summer, irrigate plains, and supply pure water for our cities and towns Besides conserving the rainfall and providing recreation for our city dwellers, the Forest Service is planting and conserving slow-growing trees to supply the lumber needs of the coming generation

The forests are constantly patrolled by mounted rangers, and during the dry season also by aviators who detect fires and prevent the stealing of timber. Aviators have also been used to scatter seed during the wet season Portable, two-way radios now replace homing pigeons for communication in fire fighting

After a forest tree reaches maturity it decays, therefore the government sells the mature trees, which must be cut without injury to the remaining forest The forests may also contain minerals and waterfalls which are leased on a royalty or rental basis The forests are also valuable for the grazing of livestock which were once allowed to graze practically unrestricted, but to prevent the destruction of herbage by over-use, a fee is now charged and the number of animals admitted is limited to the capacity of the land In other words, forest grazing ranges as well as forests are being conserved

The income from National forest lands is shared with the communities in which such forests are located In this way the objection sometimes heard that Uncle Sam pays no taxes has been largely overcome

RURAL ELECTRIFICATION

Rural Electrification is promoted by Federal loans up to 100% of the cost of the project at 2% interest, and paid in installments over a period as long as 35 years They are made to individuals, corporations, States, local governments, people's utility districts, and cooperative non-profit or limited dividend associations, for rural electric distribution systems.



Courtesy Rural Electrification Administration

A LAUNDRY, WELL-EQUIPPED ELECTRICALLY, EASES THE LOT OF THE FARMER'S WIFE

Loans for Wiring, Appliances, and Plumbing — Loans are available to help rural families to install wiring, electrical appliances, water pressure systems, and plumbing in their homes and farm buildings. No loans are made directly to the consumer, but are made to the local rural electrification cooperative or any local appliance dealer who supplies equipment to farmers on the installment plan. Loans are repaid over a period of 5 years.

Future of Rural Electrification — Less than half of the farmers in the United States have electricity. To electrify all the farms would provide a market for miles of electric lines, and for millions of stoves, refrigerators, motors, milking machines, water pressure systems, and radios. One farm family, for example, uses electricity in 67 ways and estimates that it saves the labor of two hired men while increasing the total output of the farm.

The electrification of our farms raises the standard of living for farm families; it also brings prosperity to miners, factory workers, and electricians who build and maintain the lines.

STABILIZING FARM PRODUCTION AND PRICES

Wise Use of Our Land. — We Americans have a high standard of living because of the great natural resources that our ancestors found. But we cut the timber from our hills, and the resulting floods washed gullies in our fields and carried the good soil out to sea. We overgrazed our prairies, or plowed the turf under, and the wind blew away the soil as dust, producing dunes and deserts. Or we "mined the soil" by growing the same crop year after year without putting anything back into it. If we continue to abuse our soil, it will be difficult for the next generation to eke out a living by farming.

Soil Conservation Service — It is estimated that 40 per cent of the soil of the United States has been lost by floods, winds, and fertility depletion. To stop this loss the Administration is endeavoring to divert about 30,000,000 acres of land from soil-depleting surplus cash crops into soil-conserving and soil-building



ERODED FIELDS CAUSE ILL-FED, ILL-CLAD, AND ILL-HOUSED FARMERS

crops. Payments are made to farmers for soil-conserving and soil-building practices.

The Soil Conservation Service is promoting flood control on agricultural lands. It has already aided millions of farmers in checking soil erosion on their own lands, and has purchased submarginal lands for reforestation or limited grazing.

Need for Adjusting Farm Prices to City Prices. — Following World War I there was a gradual decline in the general price level, which made the payment of debts and taxes difficult. But the decline in the price of farm commodities was greater than that of any other class of commodities. For instance, wheat dropped from the \$2 war price to less than 40 cents a bushel. Cotton dropped from twenty-nine cents a pound in 1923 to $6\frac{1}{2}$ cents a pound in 1933. The farmer was unable to buy machinery and other city-made products. Therefore in 1933 the Agricultural Adjustment program was created to adjust farm prices to city prices.

The Agricultural Adjustment Agency is making payments to many of the Nation's 6,000,000 farmers for carrying out practices that build up and protect the soil. It likewise makes payments for planting in accordance with maximum or minimum acreage allotments — to encourage crops that are needed most and to avoid wasting vital lands by growing excess crops.

Acreage allotments are set up to furnish a guide for planting the right acreage of the right crop. Marketing quotas place a limit on the marketing of crops of which a large supply is on hand. A.A.A. payments are used to encourage production of needed crops and to discourage production of surplus crops.

The Ever-Normal Granary — Like Joseph, who in ancient Egypt stored up grain in years of plenty to use in years of famine, we created an Ever-Normal Granary. Under this program the Commodity Credit Corporation makes loans to farmers, who cooperate in the A A A. program, to enable them to put their feed and fiber in storage until needed for use on the farm or until sold.

United States Department of Agriculture
EVER NORMAL GRANARY SALE OF CORN IN IOWA TO FEED LIVESTOCK
The corn is being taken from 2700-hushel steel bins by the Commodity Credit Corporation. When empty the bins are dismantled and shipped to the Wheat Belt for the storage of surplus wheat.



Achieving agriculture's wartime production goals would not have been possible without the crops previously stored under loan in the Ever-Normal Granary. Ever-Normal Granary feed grains were used to produce the urgently needed meats, eggs, milk, cheese, and other high-vitamin foods for our wartime demand.

Early in the Second World War Congress found it necessary to regulate agricultural and other prices by putting a price floor under producers and a price ceiling over consumers. During the First World War farm prices rose sky-high. However, at the end of that war farm prices fell so low that farmers who had purchased high priced land and equipment went broke.

To prevent a recurrence of a similar price slump the Government, through the Commodity Credit Corporation, agreed to pay price-supporting subsidies to the farmers each year until two years after the President ends the war. From time to time subsidies have been paid on wheat, corn, hogs, dairy products, sugar, rice, soy beans, peanuts, potatoes, tobacco, etc.

The purpose of these subsidies is to maintain farm prices high enough to give farmers a purchasing power comparable to that of industrial workers (at "parity"). Thus the farmer is guaranteed fair earnings in comparison with labor, while the ceilings on food were intended to protect consumers against sky-rocketing food prices.

FARM CREDIT ADMINISTRATION

The Farm Credit Administration administers many agencies that make loans to farmers or farm groups. (See page 326.)

FARMER'S HOME ADMINISTRATION

Background. — Half a century ago only a fourth of our farmers were tenants. To-day nearly half have slipped from ownership to tenancy. The Farmer's Home Administration is helping to save the independent farmer and to assist tenants in buying farms. By the three following methods the F.H.A. helps to

finance competent tenants, share-croppers, and farm laborers who are carefully selected by a committee of three farmers in each county.

Tenant Purchase Loans are made to the above classes who are worthy but lack assets sufficient to enable them to borrow from private lenders at the usual rates of interest. Loans are made for as long as 40 years at $3\frac{1}{2}\%$ interest, hence the annual payment of interest and principal is less than the interest ordinarily charged by commercial banks. Veterans are given preference, and disabled veterans are given special consideration and advice as to what is practical for them.

Private loans to the above classes at not more than $2\frac{1}{2}\%$ interest are insured by the F.H.A. for an additional 1%. If the borrower defaults, the F.H.A. pays and takes the mortgage.

Production and Subsistence Loans are made for the purchase of livestock, seed, fertilizer, feed, supplies, equipment, or adjustment of debts, at 5% interest for a term not to exceed 5 years. Not more than \$5000 will be lent to any one person, and that only to those who do not have credit elsewhere.

MARKETING FARM PRODUCTS

The Department of Agriculture maintains a Nation-wide daily market news service by press and radio. It has established standard grading and standard containers for uniformity in marketing. The Department regulates stock markets and tries to protect the farmer against fraudulent practices. It also inspects meats and other farm products. And it helps to provide nourishing hot lunches for school children.

EXTENSION SERVICE

The Extension Service cooperates with the State Agricultural Colleges in the conduct of extension work in agriculture and home economics. County Agricultural Agents bring the latest scientific and other valuable agricultural information to the farmers. County Home Demonstration Agents bring helpful

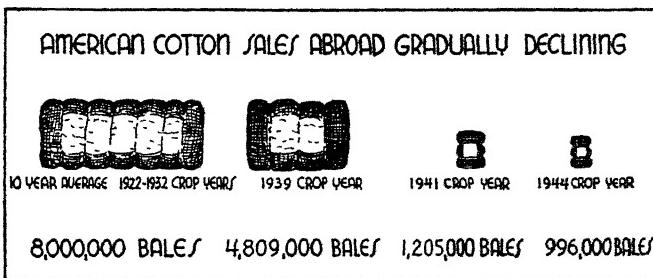
suggestions to rural women. The Service is also responsible for 4-H club work with farm boys and girls. (See page 629.)

QUESTIONS ON THE TEXT

- 1 What important functions are performed by the Bureau of Animal Industry? Bureau of Plant Industry, Soils, and Agricultural Engineering? Bureau of Entomology and Plant Quarantine? Bureau of Agricultural and Industrial Chemistry? Bureau of Human Nutrition and Home Economics? Experiment Stations? Forest Service? Rural Electrification?
- 2 How does the Government encourage soil conservation practices?
- 3 Explain why farm prices need to be adjusted to city prices.
- 4 How has the Farm Security Administration aided the farmer?
5. How has the Government aided the farmer in marketing his products?

PROBLEMS FOR DISCUSSION

- 1 Erosion removes half a billion tons of our rich topsoil each year. Does this fact concern the farmer alone, or is it a national problem?
- 2 In your community do you have grasshoppers, Mormon crickets, black stem rust of grains, white pine blister rust, citrus canker, peach mosaic disease, pink bollworm, gypsy moths, Japanese beetles, or Mexican fruit flies? What is the Government doing to eradicate and control these pests?
- 3 The Government has, by various methods, maintained a price for cotton higher than in other countries. A surplus of cotton has developed because we could not sell it abroad. Is this a wise long-term practice?



4 In cities industrial workers have been better organized to maintain high wages than farmers, who are largely individualists and scattered. What would happen to farmers if the Government did not give them numerous financial aids? What would happen to city industries that depend upon farm products or farm customers? Should farmers organize?

5 Does the money spent on agricultural research benefit the farmers more than the consumers of farm products who live in cities? In what ways does the city dweller benefit?

6 Electricity on the modern farm not only gives the farmer's wife the conveniences of the city dweller, but it also can help the farmer grind his feeds, milk his cows, and heat and light his poultry houses. For what else could a farmer use electricity?

7 Except in case of specialty farms it is difficult for a small farm to compete with a large mechanized farm, which in many cases is owned by a corporation and backed by capital and efficient management. Do you think the Government should try to conserve the independent farmer or should it accept large corporate farms as economically desirable? What are some of the advantages of each type of farm?

8 "The United States has had an economic deficit for more than three hundred years," states a conservationist. By what conservation and constructive measures could we end this practice of wasting more than we replace?

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CHAPTER XVI

COMMERCE AND LABOR DEPARTMENTS

DEPARTMENT OF COMMERCE

The Secretary of Commerce heads the following services:

Census Bureau	Weather Bureau
Bureau of Standards	Foreign and Domestic Commerce
Patent Office	Coast and Geodetic Survey
Civil Aeronautics Authority	

The Census Bureau. — Progress grows out of knowledge and knowledge is based on facts. The United States Census Bureau is constantly gathering facts and is therefore an important factor in progress.

The Decennial Census, taken every decade since 1790, enables Congress to apportion representatives in Congress among the States on the basis of population; it shows the War Department how many adults there are of military age; the educator the educational attainment of our population;¹ the school boards how many children will soon be of school age; employers and welfare workers how many are unemployed; the sociologist the ages at which different racial and economic groups marry, the number of children reared, and how many families own their homes; legislators whether more or fewer farmers than formerly own their homes; advertisers and the Federal Communications Commission how many radio receiving sets are in each locality;

¹ Educational attainment of the population 25 years old and over, 1940

No school years completed	3.8%
Grade school: 1-6 Years	21.5
7-8 Years	35.1
High school: 1-3 Years	15.2
4 Years	14.3
College: 1-3 Years	5.5
4 Years or more	4.6
Total	100.0%

the economist the annual income and total wealth of the people of the States, and the health expert the number of births and the causes of death and the ages at which people die.

The volumes on manufactures and agriculture are especially valuable to persons interested in these industries. For instance, if a manufacturer of corn cutters, milk cans, or poultry food wants to know where there is a demand for his products, he can learn the production of corn and the approximate number of cows and of chickens in each county in the United States.

An advertiser of razors can learn that in Detroit, Michigan, there are 146,891 more men than women, and an advertiser of cosmetics that there are 82,927 more women than men in New York City, and 111,141 more women than men in Massachusetts.

All of the above facts are not collected along with the population statistics every tenth year. Some facts are collected by the Bureau of the Census every tenth year, some every fifth year, some every second year, some annually, and some at even more frequent intervals.

The Decennial Census of 1940, taken by 108,000 enumerators, at a cost of \$55,000,000, showed a population of 131,669,275, or an increase of only 7% in comparison with 16% increase from 1920 to 1930. This decrease was due to restricted immigration, the depression, and a low birth rate. The percentage of aged persons greatly increased. Cities with over 25,000 population had only 4 7% increase, but suburban cities increased 9% as transportation enabled more families to live beyond congested cities. (The population on January 1, 1947, was estimated at more than 141,000,000, including the armed forces over seas — a marked increase over the previous census.)

The Bureau of Standards. — As a uniform set of standards is needed for business practice, the Constitution gives Congress power "to fix the standard of weights and measures." Under this authority Congress has legalized the cumbersome English system with which everybody is familiar, and also the simple

metric system which the student uses in laboratories and sometimes sees applied to industry. (See pages 110-112.)

The Bureau of Standards with a staff of 1000 is housed in a group of buildings on a 68-acre plot in Washington which resembles a scientific college campus. Here the original units of weights and measures are kept, here States get copies for local testing; and here research and standardization centers.



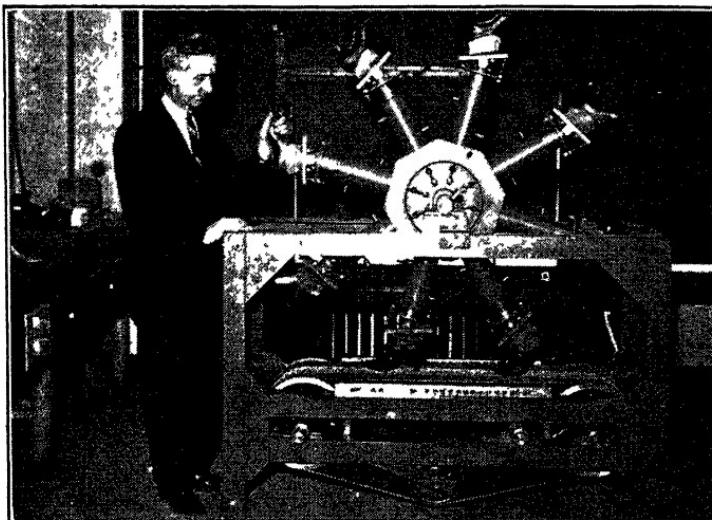
BUREAU OF STANDARDS TESTING THE RESISTANCE OF SAFES TO FIRE

To determine the effect of heat upon safes, thirty-five were put at different places in this building and then the building was set afire. Data on fires have served as the basis for building codes.

Here everything is tested, from filling-station meters to brick. Here the Government has developed a system of tests for various materials purchased by the Government, and a thousand purchase specifications have been promulgated.

Tests show that sole leathers first tanned with chromium salts and then retanned with vegetable materials wear from 25 to 75 per cent longer than the ordinary vegetable-tanned sole leathers. The durability of leathers was tested on the actual feet of policemen, postmen, soldiers, and others. Then sole leather tests in the automatic "walking machine" were compared with service

durability by the volunteers who had worn shoes with soles of the same kind of leather. Thus were worked out laboratory tests which enable manufacturers to make accelerated tests in 24 hours equivalent to several months' actual wear of shoes.



WALKING MACHINE FOR TESTING WOMEN'S SHOES

What mixture of air and gas gives most car miles? The answer becomes a standard for designers of gasoline engines. A thousand industries need such basic data, and to furnish this information is one purpose of the Bureau of Standards.

The United States bought a number of airplanes. When part were delivered the propeller of one broke. The Bureau of Standards was asked to investigate and safeguard aviators and the government against future accidents.

In 1939 the Bureau of Standards completed a wind tunnel at Langley Field, Virginia, with an air flow of 500 miles an hour. This tunnel made possible the use of great speeds in safety, and thus gave the United States an advantage over other nations. Now there are nearly a hundred wind tunnels in the United

States of varied dimensions, but the most spectacular one is at Ames, Iowa. This one is more than half a mile in length, with a minimum airstream 80 feet in diameter, and 36,000 electrical horses drive the big wind of 24 million cubic feet against any plane that charges this scientific storm.

The Patent Office is administered by the Commissioner of Patents who is responsible for granting patents and registering trade marks.

*A Patent*¹ of *Invention* is an exclusive right granted by the government to make, use, and sell any new and useful art, process, machine, manufacture, or composition of matter, or any new and useful improvements thereto, or certain original living plants, for a limited period — now 17 years by Act of Congress.²

Any American and any foreigner whose native country protects American inventions may file an application for a patent by paying \$30. An additional \$30 is paid if the patent is granted. The applicant for the patent must declare to the Commissioner of Patents that he believes himself to be the original inventor of the article for which he desires a patent; and he must submit with his application a full description or drawing of the invention, or a model if the Commissioner requests it. If the examiner approves the application,³ the patent is valid for 17 years, and it cannot be renewed except by special Act of Congress — something that rarely happens.

¹ A certificate issued to a patentee is called a "letter patent," meaning an open letter. (Latin: pateo, patens, *be open*; French: *patent*)

² The right may be assigned to another person or inherited as other property.

If another infringes upon a patent right the holder of the patent may apply for an injunction to restrain the infringer, or may sue him for damages.

³ If the patent is refused by the examiner who examines the applicant's claims, an appeal may be taken to the Board of Appeals of the Patent Office, which includes the Commissioner of Patents. If this board also decides against the patent, an appeal may be taken to the Court of Customs and Patent Appeals. If a very important question is involved, the Supreme Court may have the case certified to it for review and determination.

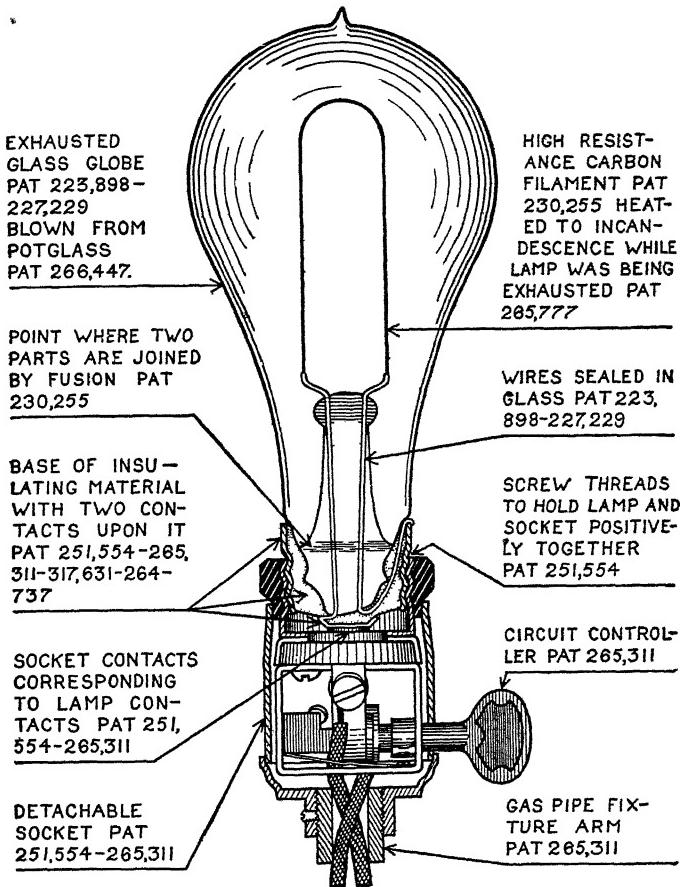
If by error the Patent Office grants a second patent for the same invention, the owner of the first patent can have the Federal courts declare the second patent void. In obtaining a patent an inventor is not required to employ a patent attorney; but a patent attorney is highly desirable, because without skillful preparation of the specifications and claims an application is likely to be rejected. Also a patent attorney knows how to obtain patents in all other countries that reciprocate with us. Of course a fee must be paid to each.

Among the early important patents are Eli Whitney's cotton gin (1793) and Robert Fulton's steamboat (1809). When the Wright Brothers invented the biplane airship, they specified every phase of the invention to be protected by the patent. Thomas Edison is credited with more than a thousand patents, including the incandescent light bulb, the phonograph, the carbon transmitter which made the telephone commercially possible, the motion picture camera, and the talking motion picture. The large expenditures involved in developing nylon by Du Pont were justified because of the patent protection.

The protection given an inventor under our patent system is an incentive to further original efforts, it is an insurance to the manufacturer who makes new machines and spends money advertising them, and it brings secret ideas to light. The more ideas you get into the Patent Office Gazette (a weekly publication giving pictures of patents and trade marks as currently registered), the more the public is stimulated to invention. It frequently happens that a patented idea which seemed foolish has germinated in the mind of another man and resulted in a great invention.

A Patent of Design is the exclusive right of a designer showing originality and inventive faculty to make, use, and sell any new, original, and ornamental designed article of manufacture for 3½, 7, or 14 years, as the applicant elects. The length of the patent can be extended only by Special Act of Congress. For example, the badge of the Daughters of the American Revolution originally patented in 1891 has been renewed by Act of Congress at the end of each period of 14 years. Examples of patents of

design are automobile bodies, fraternity emblems, lighting fixtures, and wall papers



*By permission, from "Edison, His Life and Inventions,"
by Dyer and Martin (Harper and Brothers)*

NINETEEN OF EDISON'S PATENTS ON A SINGLE DEVICE

A *Trade Mark* is a distinctive word, emblem, symbol, or device used on goods actually sold in commerce, to identify the

300 COMMERCE AND LABOR DEPARTMENTS

manufacturer or seller of the goods Examples are Kodak, Beautyrest, Sun-kist, Ford, Coca Cola, and Life.

The power of Congress to protect trade marks is derived from its power to regulate interstate and foreign commerce; therefore only the marks of articles which enter interstate or foreign commerce may be registered in the United States Patent Office. A trade mark is a common law property right and the courts will grant protection against encroachment even if it is not registered, but advantages of registration are (1) evidence of ownership, (2) right to bring suit in U S Courts, (3) permission to register in foreign countries, and (4) protection against the importation of articles bearing the same trade mark.

A trade mark is registered for 20 years, but it may be renewed any number of times There would be no object in an industry's spending large sums in advertising and using a distinctive trade mark if others could benefit by imitating advertising and trade marks. A trade mark may be worth a million dollars, and it may be sold; and an honorable name may be employed to protect goods as long as they are produced¹

PATENT OFFICE REGISTRATIONS

IDEA	DURATION	RENEWAL	COST
Patents of Invention	17 yrs	{ Only by special	\$60
Patents of Design . .	3½, 7, 14 yrs	Act of Congress	10, 15, 30
Trade Marks	20 yrs	20 yrs.	25

The Civil Aeronautics Authority, consisting of a board and an administrator, regulates interstate and foreign airlines

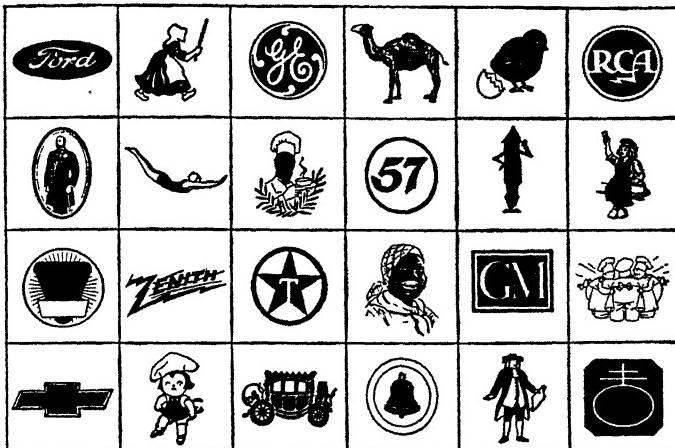
¹ Previous to 1940 labels and prints were registered in the Patent Office, but now they are registered in the Copyright Office

A *Label* is attached to an article of commerce It is descriptive and often includes the trade mark with color scheme Examples are Del Monte canned fruits and Waterman's (Ideal) Ink Labels may be copyrighted for 28 years, and the cost is \$6

A *Print* is used for advertising merchandise in streetcars, magazines, etc. Prints may be copyrighted for 28 years, and the cost is \$6.

The Authority has the following powers:

- 1 Provides basic pilot training
2. Examines, inspects, or rates airmen and aircraft
3. Licenses aircraft and records ownership.
4. Establishes rules to govern aircraft, and provides standards of safety and inspection.

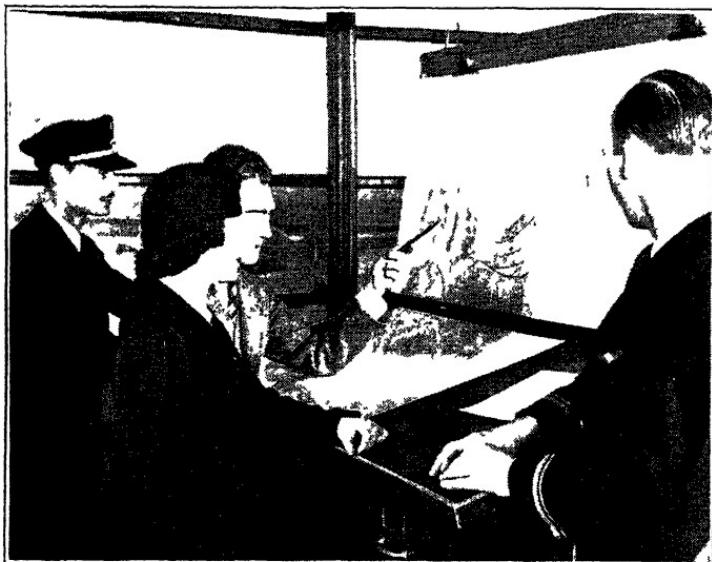


Courtesy Look

HOW MANY OF THE ABOVE TRADE MARKS DO YOU KNOW?

- 5 Designates Federal airways and acquires, establishes, and operates air navigation facilities along such airways.
 6. Regulates rates for carrying airmail, express, and passengers
 7. Prescribes maximum hours and minimum wages for aviators and other employees.
 8. Cooperates with army and navy in promoting defense.
 - 9 Gives conditional aid for building or improving airports.
- The Weather Bureau receives reports of heat, cold, clouds, rain, snow, and the direction and velocity of the wind from stations on land and hundreds of ships at sea. From this information well-trained officials forecast weather conditions. Daily

storm warnings are of especial value to aviators and they save millions of dollars invested in vessels, besides many lives. Frost warnings serve the growers of fruit and vegetables, flood forecasts, often a week in advance, enable farmers to save live stock and other property. Freezing forecasts enable railroads to save perishables in transit, greenhouses to fire their boilers, gasoline



Courtesy American Airlines Inc.

GETTING READY FOR A FLIGHT

Pilot, stewardess, and co-pilot study weather maps and other information before taking off

engines to be drained, concrete work to be stopped, ice factories to reduce their output, and merchants to adjust their advertising. Rain forecasts protect the raisin crop, enable fruit growers and farmers to harvest and shelter crops, and protect the manufacturer of lime, cement, and brick, as well as photographers. During the war forecasts were restricted for military reasons.

The climatologist tells us, in terms of averages, what weather may be expected in a given locality for years to come, as based

on past experience These statistics assist agriculture, engineering, transportation, sanitation, etc. In the insurance business information regarding the prevalence of lightning, tornadoes, hail storms, and rainfall is needed

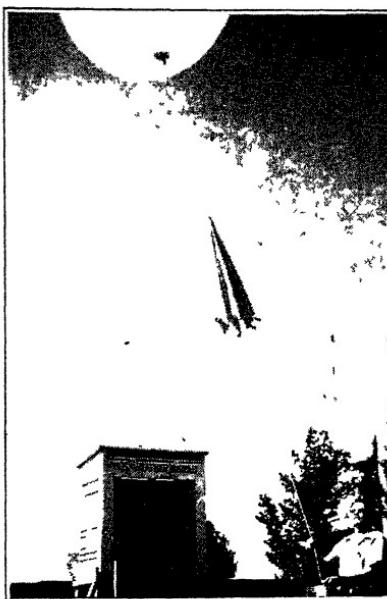
The following story illustrates the value of the Weather Service to aviation

"Two passenger planes stood on the runways at Swan Island recently One was to go north to Seattle and the other south to San Francisco From a doorway emerged a man carrying a sheet of paper with certain technical notations. To one pilot he handed an order to gain an altitude of 7500 feet as he headed south, and to the other an order to travel north at a 4000-foot elevation

"Propellers whirled and the planes skimmed the surface of the field, gained altitude, banked and headed in opposite directions When the control boards in front of the pilots indicated that they had gained their respective levels, both planes found strong tail winds and rode on the wings of the gales into port, making record time.

"This apparent aeronautical paradox was the result of careful studies of weather and air currents by attachés to the United States Weather Bureau Without the information supplied by the observers, discovery of the favorable winds blowing in opposite directions high overhead would have been a matter of chance, with the probability that at least one of the planes would have bucked a head-wind instead of being helped on its journey by the great force of nature

"By equipment of planes with radio sets it is now possible to communicate weather data to pilots at regular intervals



Courtesy United Airlines

REPORTING THE WEATHER AT HIGH ALTITUDES

DEPARTMENT OF LABOR

The Secretary of Labor promotes the welfare of wage earners by improving working conditions and opportunities for employment. The Department consists of a bureau of labor statistics, a children's bureau, a women's bureau, wage and hour division, division of labor standards, conciliation service, and public contracts division.



THE BUREAU'S GOAL: EVERY BABY
WELL BORN

The Children's Bureau was organized in 1912, and was the first government bureau to have a woman at its head. It carries on investigations in regard to birth rate, infant mortality, orphanage, juvenile courts, dangerous occupations, employment, diseases, and legislation affecting children. It also administers a Federal fund to aid crippled children, for child welfare, and to promote the health of mothers and children.

The Women's Bureau was established in 1920. Its functions are to formulate standards and policies to promote the welfare of wage-earning women, to improve their working conditions, increase their efficiency, and advance their opportunity for profitable employment.

The Bureau of Labor Statistics collects and reports, at least once a year, complete statistics of the conditions of labor and of the conditions and distribution of the products of labor.

The United States Employment Service is treated on page 337.

The Wages and Hours Division sees that employers engaged in interstate commerce or producing goods for interstate commerce conform to the wage and hour standards (See page 679.)

The Public Contracts Division enforces maximum hour, minimum wage, child labor, convict labor, safety, and health stipulations for Government supply contracts exceeding \$10,000.

The Conciliation Service seeks to bring about peaceful settlements of disputes arising between employers and employees.

QUESTIONS ON THE TEXT

- 1 Name the services of the Department of Commerce.
- 2 What is the importance of the census?
- 3 What important facts were found by the 1940 census?
- 4 What statistics are gathered between decennial censuses?
- 5 What valuable services are performed by the Bureau of Standards?
6. What is a patent? What kinds are there? How do you obtain one? What does one cost? Can it be renewed? Are you sure of protection when the application is granted?
7. What protection does a trade mark give? For what period?
8. What are the duties of the Children's Bureau? The Women's Bureau?

PROBLEMS FOR DISCUSSION

- 1 Money paid out by the Government to make new discoveries in the field of science has risen from \$68,000,000 in 1938 to about \$1,000,000,000 in 1945. Should we continue spending a billion dollars a year for labor-saving devices in industry and home, methods of combating disease, and instruments of defense?

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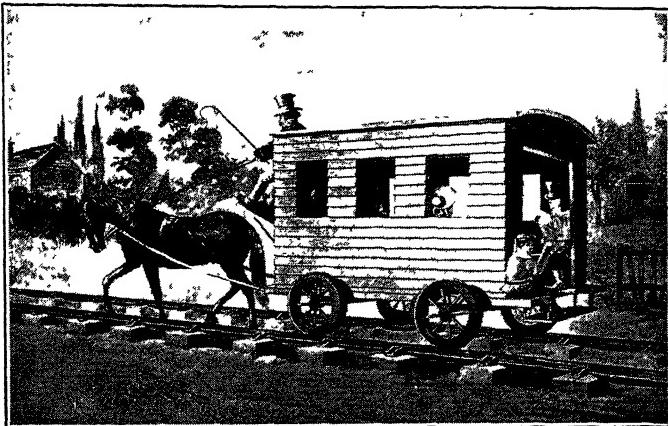
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BALTIMORE AND OHIO PASSENGER CAR IN 1830



FIRST TRANSCONTINENTAL TRAIN LEAVING SACRAMENTO,
CALIFORNIA, IN MAY, 1869

CHAPTER XVII

TRANSPORTATION, COMMUNICATION, AND POWER

REASONS FOR INDEPENDENT ADMINISTRATIVE AGENCIES

In addition to the ten administrative departments, whose heads are members of the President's cabinet, various independent agencies have been created to relieve the pressure of business on the President and Congress as the functions of government grow. These administrative agencies have been created instead of departments with single responsible officers for the following reasons:

- 1 The duties to be performed require experts whose terms of office should not depend upon the political fortunes of the President
- 2 The duties require the deliberation of a group rather than the opinion of one individual.¹
3. The Panama R R., Export-Import Bank, T.V A , R F C., and other Government owned businesses can act with more freedom from "red tape" as somewhat independent Government corporations

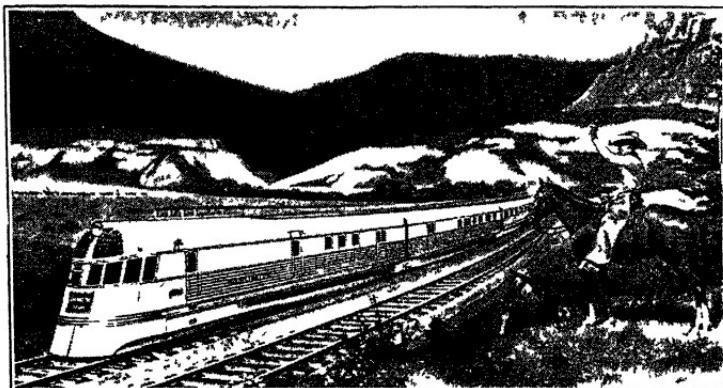
INTERSTATE COMMERCE COMMISSION

Why and When Created. — After the Civil War railroads combined into long and strong trunk lines. Some of them "watered their stock";² some gave preferential rates to cities

¹ Herbert Hoover said "Quasi-legislative and quasi-judicial and broadly advisory functions should be removed from individual authority and assigned to boards and commissions "

² To "water stock" means to sell stock, or give it to existing stockholders, without putting the money into the railroad or other enterprise. For instance, a road earning 12 per cent profit might double its stock and earn only 6 per cent profit. Watered stock was sometimes sold to innocent purchasers, sometimes merely used to conceal the real profits earned

that stockholders wanted to develop because they owned property there; some gave cut rates (in the form of rebates) to favored "big business"; some charged excessively high rates, and the public lost confidence in them. In the Middle West the Grangers (organized farmers), who were financially pinched,



INTERSTATE COMMERCE DE LUXE

This *Pioneer Zephyr* made its first run from Denver to Chicago at 77 miles an hour with a fuel cost of \$14.88

gained control of State legislatures and legislated freight rates so low and made other restrictions so burdensome that the railroads were in danger of losing money. Therefore both the public and the railroads were willing to have Congress create a commission to secure just treatment for all, and in 1887 the Interstate Commerce Commission was established.

Membership. — The membership of the Interstate Commerce Commission has gradually increased to eleven, who are appointed by the President, with the consent of the Senate, for terms of seven years. But cases may be decided by as few as three, so the commission often sits in divisions.

Supervision over Interstate Carriers. — Congress enacts laws regulating interstate common carriers, and the Interstate Commerce Commission supervises the execution of laws which pertain to these interstate carriers — railroads, boats; express

companies, sleeping-car companies; pipe lines carrying commodities other than water and artificial gas; and motor vehicles.

The Negative Duties of the Commission are to forbid common carriers:

- (1) To charge unjust rates.
- (2) To give rebates to individuals, or special rates to particular shippers or localities
- (3) To charge more for a short than for a longer haul, except when the Commission considers competition to justify it. (For instance, the rates from New York to the Rocky Mountain States may be higher than the rates from New York to the Pacific Coast. If the coast rates were not lower, the freight would go by way of the Panama Canal and the roads would lose this freight which the expensive roadbeds can carry without additional cost)
- (4) To grant free passes with certain specified exceptions.
- (5) To build a new railroad in competition with another or to discontinue service without consent of the Commission
- (6) To issue capital stocks and bonds without the consent of the Commission.
- (7) To prescribe rates between two points within a State so low as to put points outside the State at an unreasonable disadvantage.

The Positive Duties of the Commission are to require common carriers:

- (1) To keep accounts uniformly as prescribed by the Commission; and to render annual reports to the Commission
- (2) To publish their rates and fares for public inspection.
- (3) To require automatic train stops, etc where needed
- (4) To coöperate in the interest of the shippers (For instance, the Commission may transfer cars from one company to another in case of an emergency, may route traffic over other lines if the one receiving it is unable to handle it, may require coöperative use of terminal facilities, and may require convenient connections at junction points)

(5) To provide reasonable service. (For example, the Commission may require railroads to build branch lines where they are reasonably necessary for shippers in a territory dependent upon a trunk line.)

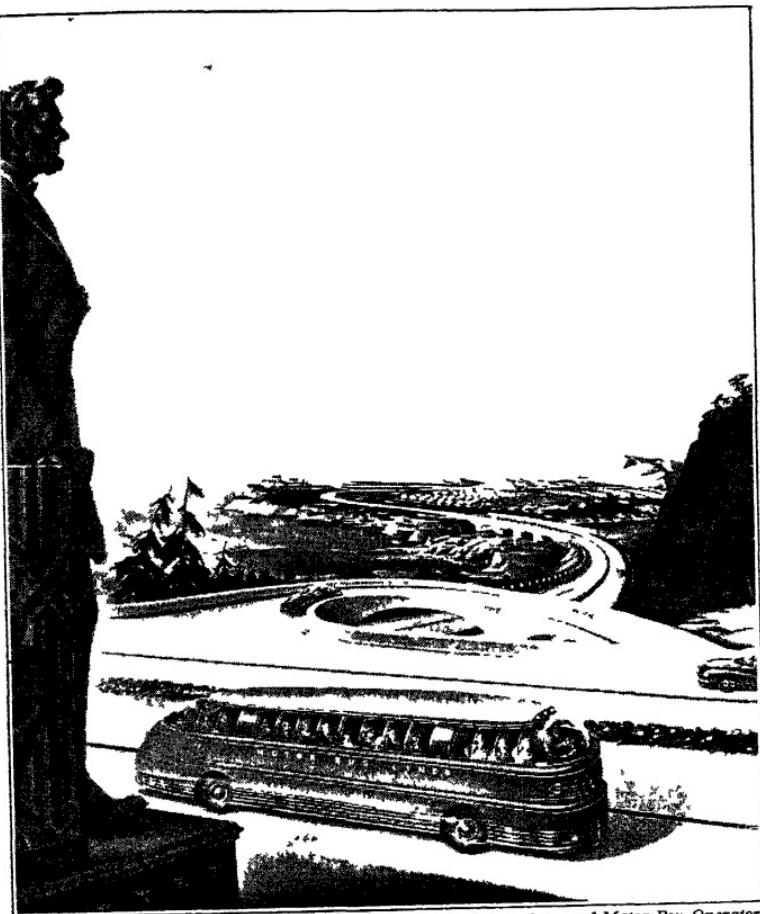
How Complaints Are Made. — Any individual, corporation, board of trade, city, or other group of persons, may petition the Interstate Commerce Commission to redress grievances against a common carrier. The grievance may be an omission to perform a legal duty or it may be a violation of the law. Thousands of complaints are filed annually. For instance, a New England woman who shipped a couple of cans of milk each day once complained to the Commission. The Commission was impressed with the justice of the complaint and an extensive investigation of milk rates throughout New England resulted in more equitable rates.

The Right of Appeal. — Congress passes the laws pertaining to interstate carriers, the Interstate Commerce Commission administers them with the assistance of law-enforcing officers—but no decision of this Commission is final until there is an opportunity for a court hearing.

The Motor Vehicle Act. — *Reasons for the Act* — Previous to 1935 truck and bus drivers were commonly underpaid and worked long hours, the vehicles used the public highways built at public expense, in cases of accident the truck and bus owners were commonly unable to pay damages, and the “cutthroat competition” was unfair to the drivers and especially so to the heavily taxed and regulated railroads.

In 1935, as a result of these conditions, Congress gave the Interstate Commerce Commission regulatory powers over motor vehicles which operate from State to State over public highways as common carriers or contract carriers. So far the Commission has not regulated farmers and factories hauling their own products or merchants hauling their merchandise.

Registration — Common carrier buses or trucks which offer their services at a set price to anybody, and contract carriers



Courtesy National Association of Motor Bus Operators

THE BUS OF THE FUTURE

This shows an artist's conception of the improvement which might take place in the design of postwar highway motor coaches.

who make individual contracts, to haul beyond a State's boundaries must now register with the Interstate Commerce Commission, show that they can comply with the Federal requirements, and obtain a permit plate to accompany the State license plate.

Insurance. — These interstate carriers must carry insurance against injury to others and to cover their damage obligations to passengers and shippers.

Qualifications of Employees. — Each year thirty-odd thousand persons are killed in motor-vehicle accidents, over a million are injured, and more than a billion dollars' worth of property is damaged. Therefore the Commission requires drivers to be twenty-one years of age, experienced and familiar with prescribed drivers' rules, of good physical and mental health, free from a drug addiction, and they must not drink alcoholic liquor or beverage while on duty or otherwise make excessive use of it.

Safety of Operation and Equipment — A driver must be well, must conform to an elaborate code of safeguards, and must not pick up "hitch hikers" or any persons except those authorized to ride. The motor vehicle must be equipped with lights and other traffic safeguards according to an elaborate code. There are regulations for the handling of explosives and other dangerous articles. The motto of the Commission is: "A safe driver on a safe vehicle."

Maximum Hours for Drivers. — Except in case of prescribed exceptions and prescribed cases of emergency, a driver is not permitted to work more than 10 hours a day and 60 hours a week (Railroad employees work on a basic eight-hour day, but there are many exceptions.)

Regulation of Rates. — Common or contract carrier motor vehicle companies must file with the Commission a schedule of fares or rates charged, and these must be reasonable and available to all shippers. The carrier must not depart from these rates and discriminate between persons, or discriminate unreasonably between places.

Act Regulating Carriers by Water.—In 1940 Congress extended the powers of the Interstate Commerce Commission to include interstate carriers by water¹ as well as railroads and motor vehicles. It extended control over water carriers so as to bring them under regulation comparable to that exercised over railroads and motor vehicles. The water carriers had been allowed not only to offer lower rates but waterways had been dredged at public expense, whereas railroads had to keep up their own tracks, and motor vehicles had paid license taxes for the use of roads.

The Interstate Commerce Commission can now regulate fares and rates and prescribe conditions of service in interstate commerce for common carriers by rail, common or contract motor carriers, and common or contract water carriers. This regulation includes shipping on rivers, lakes, and seaports when the shipments begin and end in the United States (or incorporated territory)²

The 1940 Act enables the Commission to require the above three means of transportation to cooperate in joint hauls.

UNITED STATES MARITIME COMMISSION

Introduction.—New ship construction in the United States practically ceased during the depression, and we fell to ninth place as a ship builder. It is dangerous for a country to be without a merchant marine because a navy requires supplemental tonnage for the transport of supplies and of troops in case of war. For these reasons the United States Maritime Commission was created in 1936 to promote and regulate foreign shipping. This was done in time to get shipbuilding under way before the war

¹ Certain powers granted to the United States Maritime Commission in 1936 were transferred to the Interstate Commerce Commission in 1940

² The 1940 Act excludes from this regulation boats owned by a producing firm to carry its own products exclusively, certain tankers for liquid cargoes, and water carriers of commodities in bulk carrying not more than three commodities

Congress Has Power to Regulate Interstate Commerce	Navigation . . .	<p>Regulates vessels that run from State to State</p> <p>Improves rivers, harbors, and canals</p> <p>Forbids competition of foreign vessels for coastwise trade in normal times</p> <p>May regulate boats on lakes wholly within a State if carrying goods consigned to a person in another State</p>
	Transportation . . .	<p>Railroads, including shipments partly by rail, partly by motor vehicle, and partly by water</p> <p>Express companies and sleeping car companies</p> <p>Pipe lines, except for water and illuminating gas</p> <p>Motor vehicles as common or contract carriers</p> <p>Interstate ships as common or contract carriers</p> <p>Aeroplanes. Regulated by the Civil Aeronautics Board, Commerce Dept.</p> <p>Electricity and Natural Gas Regulated by the Federal Power Commission</p>
	Communication . . .	<p>Wire communication (telegraph, telephone, cable)</p> <p>Radio communication (messages, pictures, broadcasting)</p> <p>Radio transmission of energy</p>
	Persons . . .	<p>Walking across State line</p> <p>Riding across State line</p> <p>for business or pleasure</p>
	Securities . . .	<p>Original issuance of and subsequent trading in securities with an interstate aspect</p> <p>Regulation through the Securities and Exchange Commission</p>
	Commodities . . .	<p>May be protected while in transit</p> <p>May be excluded from interstate commerce</p> <p>Protected against unreasonable restraint of trade by monopolies</p> <p>Protected against unreasonable restraint of trade by monopolies</p>
		Subject to incidental interference by States in the reasonable exercise of their "police powers,"
		health morals safety welfare

The Duties of the Commission Are:

- (1) To design model ships or planes for commerce which are suitable for conversion to naval and military auxiliaries
- (2) To encourage ship building by lending money at low interest rates and paying the difference in cost of building here and abroad, which sometimes amounts to as much as 50 per cent
- (3) To grant subsidies to American lines sufficient to enable our vessels to compete in spite of the higher wages paid American seamen, and other higher operating requirements.
- (4) To regulate rates, and to prevent discriminations.
- (5) To regulate working conditions on subsidized vessels.
- (6) To build vessels During the war it constructed most of the shipbuilding plants, and had them operated by private concerns, like Kaiser's yards on the West Coast These plants built thousands of Liberty vessels, Victory vessels, etc
- (7) Preserve ships needed for National defense; scrap worthless ones (perhaps 1000) for scrap metal needed by industry, and sell the rest at half of pre-war value on the instalment plan

FEDERAL COMMUNICATIONS COMMISSION

Introduction. — In 1927 there were over 700 radio stations in the United States — twice as many as could operate at one time without serious interference Some of these stations were described as little better than "electrostatic katydids" Thus government regulation was inevitable, and the Radio Act of 1927 was passed, providing for regulation through the Federal Radio Commission This beginning evolved into the present Federal Communications Commission, which was created in 1934

Powers of the Commission. — *Radio* — This Commission controls interstate¹ and foreign² radio broadcasting It limits the

¹ Any station that interferes with interstate communications comes under Federal control

² Control over foreign transmissions applies only to outgoing communications If objectionable communications are broadcast into the United States, diplomatic protest through the State Department would be the proper procedure

number of stations by requiring licenses. Broadcasting stations are licensed for periods not exceeding three years and other classes of stations for periods not exceeding five years. Renewals may be granted for like periods; or a license may be revoked for proper cause.

The Commission also classifies stations, prescribes the nature of service, assigns wave lengths, determines the power, the time during which the station may operate, and the kind of apparatus used. It classifies and licenses broadcasting operators, and makes regulations to prevent interference between stations.

The Commission apportions broadcasting licenses, wave lengths, periods of time for operation, and station power among the States and communities in a way that will provide a "fair, efficient, and equitable distribution of radio service to each."

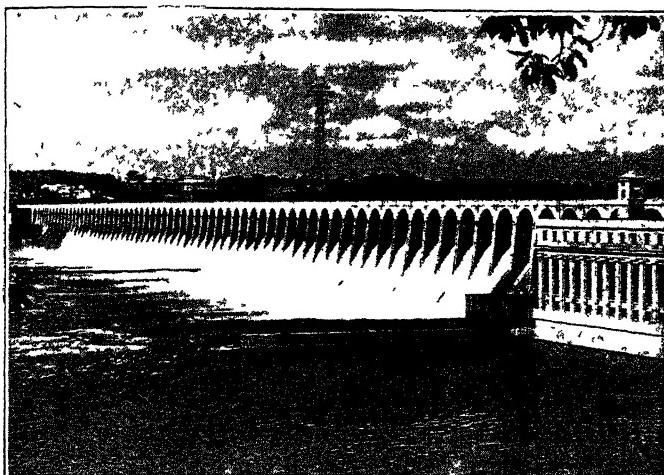
When paid matter is broadcast, it must be announced as such or the name of the sender given. If a station permits a candidate for public office to broadcast, it must afford opposing candidates equal opportunity at the same rates. In broadcasting, the use of obscene, indecent, or profane language is forbidden by Act of Congress, and giving information concerning lotteries is also prohibited. The Commission severely reprimanded the National Broadcasting Company for broadcasting "Adam and Eve" featured by Mae West; and the courts have imposed prison sentences for profanity and vulgarity over the radio.

Telegraph and Telephone.—The Commission also supervises interstate and foreign telegraphic and telephonic communications by wire, cable, or wireless. For instance, the Commission has just made an elaborate investigation into all phases of the American Telephone and Telegraph Company to determine whether it takes advantage of its monopolistic position to charge unduly high rates.

FEDERAL POWER COMMISSION

The Commission, as reorganized in 1930, is composed of five commissioners appointed by the President with the consent of

the Senate for a term of five years. The Commission exercises administrative control over all power sites on navigable streams (or streams affecting navigable streams) and on public lands of the United States respecting the location, design, construction, maintenance, and operation of power projects. One desiring to develop power on such streams must obtain a license from the Commission.



WILSON DAM AT MUSCLE SHOALS ON THE TENNESSEE RIVER

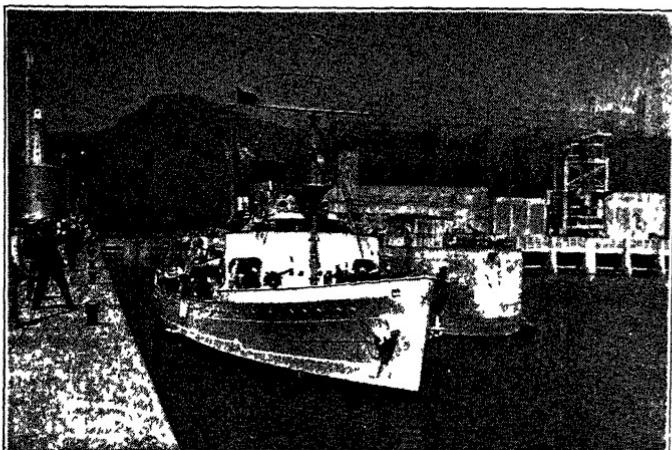
This dam was built during World War I to generate nitrogen for munitions, and is now operated under the Tennessee Valley Authority.

Since 1935 the Commission has also had authority to regulate utilities engaged in the transmission of electric energy across State lines, including rates, services, business practices, and security issues. State public-utility commissions regulate the distribution of power after it enters the State.

POWER DEVELOPMENT PROJECTS

Although the Federal Power Commission does not construct power plants, it regulates them. The Bonneville Dam described on the next page, was completed in time for war industries.

The Bonneville Dam across the Columbia River about 40 miles above Portland, Oregon, aids navigation and develops power. Power lines, built through Washington and Oregon, connect Bonneville and Grand Coulee dams (See page 270) Power is sold to big industries, R E A Co-operatives, cities and other public utility districts, and private electric companies



ONONDAGA, COAST GUARD CUTTER, ACCOMPANYING THE FIRST SHIP THROUGH BONNEVILLE LOCKS

This Bonneville plant is the greatest power plant ever built practically at tidewater, and a ship lock with massive gates 70 feet high provides passage for ocean-going vessels.

The Columbia River has an \$8,000,000 annual salmon industry, and this was safeguarded by a fishway winding around a hill to imitate a real creek, two fish locks to float the fish over the dam, and three fish ladders for the more energetic fish to climb. In one day salmon weighing a total of 500,000 pounds found their way over the dam. Their migration down stream is fraught with more danger. Many fingerlings wash over the spillways or through the ladders, but others are dashed to death at the power house.

QUESTIONS ON THE TEXT

- 1 Why have many administrative agencies been created independent of the President and his Cabinet?
- 2 Why was the Interstate Commerce Commission created? What are its duties? Is there an appeal from it to the courts?
- 3 What does the Motor Vehicle Act provide as to (1) Insurance, (2) Qualifications of employees, (3) Safety, (4) Hours, and (5) Rates?
- 4 Why were interstate carriers by water placed under the Interstate Commerce Commission?
- 5 What are the duties of the United States Maritime Commission?
- 6 What are the powers of the Federal Communications Commission?
- 7 What two kinds of powers has the Federal Power Commission?

PROBLEMS FOR DISCUSSION

- 1 The Interstate Commerce Commission regulates railroads, bus and truck lines, and interstate water carriers. Should it allow these to expand and compete; or should it encourage the carriage of slow bulk freight by boat (where there is water), fast freight by rail, long-trip passengers by air; and license trucks and buses for local traffic and as feeders to railroads and air carriers? Explain how competition or division of traffic would best serve your community.
- 2 During the war the Maritime Commission promoted the building of a tonnage three times as large as we need in peace time. What do you think we should do with the 11 knots-an-hour Liberty ships? The 16-knot Victory ships that are practical in peace time? The C ships, considered the best afloat? Would you junk any? Sell any to our Allies at a below-cost price? Store any?
- 3 The Communications Commission can grant licenses for stations with favored wave lengths to religious organizations, to a city government, to a State University, to a news corporation, or to a corporation that reports prize fights and jazz music and receives \$1000 for a very brief advertisement. If the Commission attempts to cancel a license, the friends of that station flood the Commission with petitions, and Congressmen, who could abolish the Commission, must fight for stations of their districts. Therefore, if licensing is not carefully handled, it may become a national issue. If you were on the Commission, how would you apportion the stations or time among the above interests?
- 4 Practically all of the standard broadcasting frequencies (in the centers of population where broadcasting is profitable) are now assigned; so anyone wanting a broadcasting license must buy a station that has a license. Broadcasting time sales were \$5 million in 1927, but in 1944 they

were \$400 million. During 1944 thirty-two radio stations were sold — a small one in Washington City at a profit of \$425,000 and another in Los Angeles at a profit of \$730,000. The Communications Commission usually renews licenses, therefore station owners look upon broadcasting frequencies as monopolies — hence the enormous prices paid for them. Do you think Congress should restrict charges for broadcasting? Take over some stations for itself, for States, and for Cities? Or how should it prevent practical private monopoly of government-owned radio frequencies?

5 Should the Government provide a constant superior program of valuable news, basic knowledge, clean humor, patriotic and character-building music, and popular music that appeals to the many — free from advertising break-ins?

6 The United States District Court of Oregon sentenced an anti-chain store radio broadcaster to serve six months in jail for using profane and indecent language over the radio. Should a young man use profanity to show emphasis and temper, or should he develop a vocabulary which will enable him to express himself emphatically within the law?

7 If the Government develops a few dams and scares private capital from this field, has it benefited or harmed the consumers? If the Government should develop all of the available water power to give employment, should it sell power at the cost of production or should it sell all at whatever price it will bring? If the latter were done, should the Government buy existing private power plants — or at least offer to buy them at a price considered fair by the Federal Power Commission? What effect would cheap power have on our ability to compete in foreign trade with other countries where wages are low?

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CHAPTER XVIII

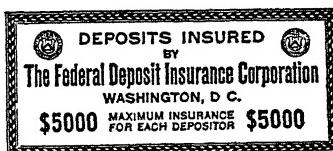
FEDERAL FINANCIAL AGENCIES

SYSTEM OF NATIONAL BANKS

National Banks. — With the approval of the Comptroller of the Currency any five or more persons may secure from him a charter of incorporation for a National Bank, if they can raise an amount of capital varying from \$50,000 in places of less than 6000 inhabitants to \$200,000 in cities of more than 50,000 inhabitants.

These banks receive deposits from individuals and corporations and lend money to individuals and corporations. They must be examined by a United States examiner at least twice a year, and must make reports to the Comptroller of the Currency at least three times a year — whenever called for.

Insurance of Deposits. — National banks, and State banks which are members of the Federal Reserve System, must insure their deposits up to \$5000; and non-member State banks may qualify to do so.¹ The insurance premium is paid by insured banks in proportion to their average deposits. The accompanying sign is displayed by insured banks.



The insurance fund is administered by the Federal Deposit Insurance Corporation, composed of the Comptroller of the Currency and two citizens appointed by the President and Senate. When a National bank is closed, the Corporation is ap-

¹ Unsound practices cause a non-member bank to lose its insurance privilege, a State bank to lose membership, and a National Bank to be closed.

pointed receiver. A new bank is organized and assumes the guarantee deposit liabilities of the closed bank. If stock in the new bank can be sold, the new bank will continue. If not, the assets may be sold to another bank. If neither of these arrangements is possible within two years, the bank will liquidate.

Branch Banks. — National banks may establish branches in their home cities if such cities have 25,000 or more inhabitants. They may establish branches in foreign countries. Those with \$500,000 or more capital may, with the consent of the Comptroller of the Currency, establish branches within the State to the extent that State banks are allowed to create branches.

Why So Many National and State Banks Failed before 1933. — When the economic depression began in 1929 there were throughout the United States about 25,000 banks. Of these numerous banks more than two thirds were State chartered banks. During the decade preceding the closing of all banks in March, 1933, more than 10,000 banks (with more than 5 per cent of the deposits) failed. During the same period not one bank failed in Canada.

Too Many Small Weak Banks — In some States banks could be chartered with as little as \$5000 capital, and National banks could be chartered in small towns with only \$25,000 capital. These small banks could seldom afford efficient management, and their investments were too dependent upon some one asset — wheat, cotton, mines, factory. In Canada a bank must have at least \$500,000 capital. There are only ten banks in Canada, but they have 4000 branches.

Too Much Competition between National and State Banks — Forty-eight State legislatures gave State banks unwise privileges. Congress created like privileges for National banks. In Canada only the central government can charter banks.

Too Much Invested in Frozen Assets — In 1913 National banks, to compete with State banks, were permitted to lend on the security of real estate. During World War I when wheat rose to \$2 a bushel and cotton to 40 cents a pound, land values

went sky high. Banks made long-term loans upon this inflated value, and when depositors later wanted their deposits they were both shrunken and frozen. Likewise banks found themselves with non-liquid stocks and bonds which they had to sell on a low market — if at all. Canadian banks cannot lend upon real estate security, and in practice they do not lend on non-liquid stocks and bonds.

Lack of Effective Supervision. — Many States provide inadequate supervision of their banks, and National banks could evade Federal supervision by forming “affiliates” — State chartered banks with liberal investment privileges — financed by the National bank.

Lack of Confidence. — These conditions made depositors panicky and resulted in “runs” on sound banks, which were unable to pay because of frozen assets.

THE FEDERAL RESERVE SYSTEM “BANKERS’ BANKS”

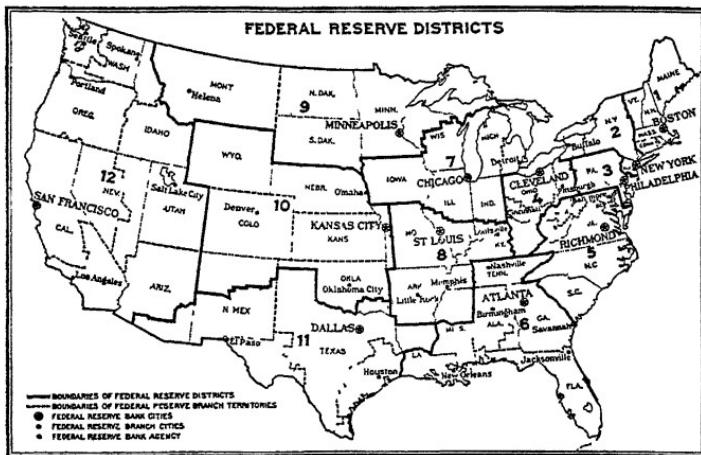
Why Created. — *Inelasticity of Reserves.* — Every National Bank was (and still is) required to keep a “reserve” amounting to a certain percentage of its deposits. The reserve could be kept in large banks where it drew a small rate of interest, but could be withdrawn when needed. In periods of business depression the small banks would all begin to withdraw their reserves at once, and the large banks were embarrassed and sometimes failed.

Inelasticity of Note Issues. — Every National Bank could issue paper money, called National Bank Notes, but only up to the amount of the Government bonds deposited by it in the United States Treasury. When times were prosperous and more money was needed for business, the amount of National Bank Notes did not increase because Government bonds on which they were issued did not increase. So we had “money panics.”

To remedy the above defects, and to give National Banks the strength of unity, the Federal Reserve System was established.

by Congress in 1913, and in 1935 it was brought decidedly more under the control of the National Government.

Federal Reserve Banks. — The United States is divided into twelve Federal Reserve districts, and there is one Federal Reserve Bank located in the Federal Reserve Bank city of each district. Each of these Federal Reserve Banks is in direct charge of a board of directors. There are also Federal Reserve branch banks.



Member Banks — Every National Bank is a member of the Federal Reserve System and, as such, is required to subscribe to the stock of the Federal Reserve Bank of its district, and State banks and trust companies may become members by complying with certain conditions of membership.

The Board of Governors of the Federal Reserve System is composed of seven members appointed by the President with the approval of the Senate for a single term of 14 years — one retiring every second year.

Powers of the Board of Governors. — *Reserves* — The Board determines the percentage of deposits that member banks must deposit with the district Reserve Banks. If member banks are

unwisely lending money for speculative purposes the Board will curb them by requiring them to place a larger proportion of their deposits on reserve, and conversely, if constructive business needs more loans the Board will return a portion of the reserves to the member banks to take care of these proper needs.

Issue of Federal Reserve Notes. — When more money is needed for legitimate purposes, the Board may issue any amount of Federal Reserve Notes through any of the Federal Reserve Banks, provided the bank maintains a reserve of gold certificates of not less than 25 per cent of the notes in actual circulation.

Determination of Interest Rate. — When an individual borrows money from a National Bank or State Bank he gives his note. If the bank needs money, it can get it from the Federal Reserve Bank by turning over these notes for security. The Board determines the interest rate charged the banks. If industry is slack, the interest rate will be low to encourage borrowing; but if a "boom" is on and speculation is raising prices unduly, the interest rate will be made high to discourage reckless borrowing.

Interest Rate on Deposits — The Board limits the interest rate that member banks may pay on time and savings deposits. This is to prevent a reckless bank from paying more than a safely managed bank can afford to pay.

Supervision. — The Board supervises Federal Reserve Banks, and can even remove officers of recklessly managed member banks¹.

¹ Also since 1935 the purchase and sale of bonds has become an important function of Federal Reserve Banks. The Board of Governors, plus 5 representatives of the Federal Reserve Banks, constitute the Federal Open-Market Committee. This Committee buys and sells United States bonds and other obligations. When money is scarce and U.S. bonds are falling in price, this Committee will require the Federal Reserve Banks to buy bonds and keep their price up to face value. This also puts money in circulation. Conversely, if money is plentiful and speculation is unduly raising the price of bonds, the Federal Reserve Banks are required to sell bonds and thus take money out of circulation and prevent a "run-away" market.

Originally Federal Reserve Banks lent only to member banks, but now they may also make loans to individuals and corporations under certain conditions.

SYSTEM OF FARM CREDIT BANKS

The Farm Credit Administration is under an officer known as the Governor of the Farm Credit Administration, and he in turn is under the Secretary of Agriculture¹. The Governor administers the Federal Land Banks and other banks of the Farm Credit system.² To make this possible the country is divided into twelve Farm Credit Administration Districts with an agricultural bank ("Federal Land Bank") in a centrally located city of each district.

Federal Land Banks were created in 1916 to give the farmer an opportunity to borrow money on his land at low rates of interest by giving a long-term mortgage. These banks borrow money by the sale of partially tax-exempt bonds on which they pay about 3% interest, and then lend it to national farm loan associations at about 4% interest.³

Loans are made only for the purchase of land, for its improvement, or for purchase of livestock, equipment, fertilizers, or to provide buildings on a farm, or to pay off a debt under certain conditions. A loan must not exceed 50 per cent of the value of the land plus 20 per cent of that of the buildings⁴.

The amount borrowed must not be less than \$100 or more than \$50,000. No mortgage shall run for more than forty years, or for

¹ The Governor of the Farm Credit Administration is appointed by the President with the consent of the Senate

² *Intermediate Credit Banks* make loans through various agricultural credit corporations instead of directly to the farmers. *Production Credit Corporations* make loans to production credit associations consisting of ten or more farmers. *Banks for Cooperatives* make loans to agricultural cooperative associations.

³ The *Federal Farm Mortgage Corporation* was created in 1934 as an emergency measure to assist farmers who were about to lose their farms because of the depression prices of farm products. The Corporation was authorized to issue partially tax-exempt Government guaranteed bonds, and to lend the proceeds to worthy farmers at a low rate of interest. Many a farm has been saved for its owner by this Government corporation.

⁴ The Emergency Farm Mortgage Act of 1933 temporarily made loans on as much as 75 per cent of the appraised valuation — and accepted second mortgages.

less than five except by special arrangement. The loan is repaid in annual or semi-annual installments

Ten or more farmers who own land may form a national farm loan association, and through this association may borrow money from a Land Bank. The association is liable for the loan made to each of the members.

If direct loans are made to individuals, $\frac{1}{2}$ of 1 per cent more interest is charged

FEDERAL LOAN AGENCY

Loan Agencies Coöordinated. — During the depression decade numerous lending agencies were set up by the Federal Government to aid the people. These were combined in 1939 and placed under a Federal Loan Agency and Administrator. The most important of these lending agencies are:

Reconstruction Finance Corporation (including the RFC Mortgage Company) which is treated at length in the next section

Export-Import Bank of Washington which aids in financing exports and imports and loans to foreign countries.

Rubber Development Corporation which finances the procurement of a supply of crude rubber from over seas.

Federal National Mortgage Association which establishes a market for first mortgages, insured, for housing projects.

Reconstruction Finance Corporation. — In 1932, when only the Government itself could borrow large amounts of money because of the depression and panic, Congress created this giant banking corporation with authority to borrow on the credit of the United States and to lend for specified purposes.

Loans to Banks — The Corporation has lent over \$2,000,000,-000 to banks, and practically all of this has been repaid. During the depression, many banks would have had to close their doors had not the Corporation lent them money.

Loans to Railroads — Without the aid of the R. F. C. during the depression, a number of railroads would have had to cease

operations This would have left communities without shipping facilities , and would have crippled insurance companies that had large investments in railroad securities, thus affecting the insurance of millions of people To prevent this, the R F C lent over half a billion dollars to railroads — of which most has been repaid.

Loans to Governmental Agencies — During the depression about two billion dollars were lent to States, local governments, and agencies of the National Government for relief purposes. This debt has been canceled

In 1941 Arkansas refunded \$136,000,000 of its outstanding 4 4% tax-exempt highway bonds to take advantage of prevailing low interest rates The private bankers offered to refinance the bonds at 3 5% interest The R F C believing the private bank rate too high bought the bonds at 3.2%, and resold them at a slight profit This R F C assistance will save Arkansas about \$28,000,000 interest over the life of the bonds

Loans to Defense Industries were made by the R. F. C because private bankers feared the nature of the expansion

At the approach of war the R F C bought rubber, tin, and other raw materials for which we were dependent upon overseas supply It created the Rubber Reserve Company to produce synthetic rubber, the Metals Reserve Company to produce scarce minerals, the Defense Supplies Corporation to produce other critical war materials, and the Defense Plant Corporation to build defense plants.

At the end of the war the R F C , through these corporations, owned about 1000 war plants and parts of another 1000 These plants included \$3,000,000,000 in aviation plants, a \$1,000,000,-000 steel industry, \$800,000,000 worth of aluminum plants, a \$715,000,000 synthetic rubber industry, and \$500,000,000 in pipe lines. Now the Government is endeavoring to sell these plants

What Next? Will R. F. C finance projects to employ recent war workers and returned veterans, such as toll roads, toll bridges, hospitals, slum clearance, and low-cost housing ?

Results. — The Corporation can borrow money on the credit of the United States for 1 or 2 per cent less than it receives on its loans ; and it is hoped that this profit will take care of the Corporation's expenses and losses, other than war financing.

Export-Import Bank. — This bank was created by Congress in 1934 and is now authorized to lend as much as \$3,500,000,000 to foreign governments. Its main purpose is to enable these governments to purchase our products needed to recover from the war or for internal developments Russia, France, and other European countries need machinery to reestablish their industries ; China needs to become an industrial nation by building power plants and transportation systems ; and Latin America needs to develop power, mines, steel plants, and transportation. During the war, loans were made to China and to Latin-American countries to stabilize their money, and as a good neighbor policy.

The International Bank and the International Monetary Fund, for which the United States is furnishing a large part of the capital, also makes similar loans. (See Chapter XL.)

THE SECURITIES AND EXCHANGE COMMISSION

Purpose. — In 1933 more than 16,000,000 of our people owned more than \$100,000,000,000 worth of stocks and bonds. Along with the majority of honest dealers in stocks and bonds there are racketeers who exploit inexperienced and uninformed buyers of securities. Therefore the Securities and Exchange Commission was created by Congress in 1934 to inform and help even experienced investors, as well as inexperienced ones.

Organization. — The Commission consists of five members appointed by the President and Senate for a term of five years.

Registration of Securities to Be Issued. — Prospectuses for mining stocks were once considered so misleading that Mark Twain defined a mine as a "hole in the ground owned by a liar." The Securities Act of 1933 provides for a fair and full disclosure of the character of securities sold in interstate or

foreign commerce or by the use of the mails. This is acquired by means of registration statements required by law to be filed with the Commission. When satisfactory to the Commission, the more important statements are printed in a prospectus which must in general be given to all prospective purchasers. This does not insure a safe investment, but it insures some accurate knowledge of the security in which one is investing.

This Act also forbids fraudulent transactions in all securities through the mails or in interstate commerce.¹

Registration of Outstanding and New Issues of Securities. — The 1934 Act of Congress requires the registration of securities listed on national security exchanges, such as the New York Stock Exchange. The Commission prepares elaborate forms with questions covering whatever the Commission thinks will help in an understanding of the real condition of a corporation. For instance, it required more than a hundred pages for the Standard Oil Company of New Jersey to answer all the questions the Commission asked. This information then becomes public property. Investors find the reports of corporations available in Washington, New York, and Chicago; or for a small fee they can have a photographic copy made.

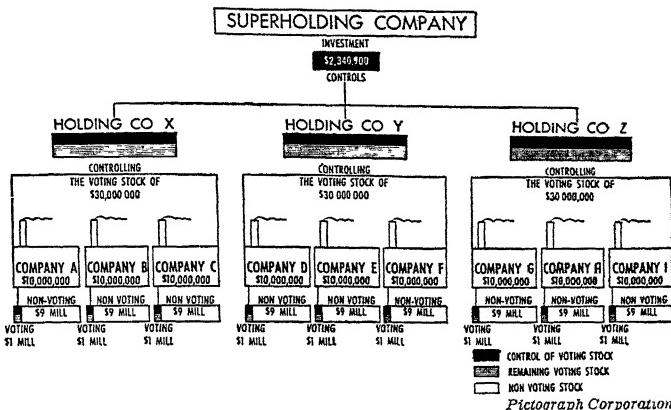
Regulation of Security Exchanges and Over-the-Counter Markets. — The 1934 Act directs the Commission to set up machinery for the constant watching of security market activities. If the provisions of the Act are not conformed to, the Commission has power to close an exchange, to forbid trading in a security whose issuer has failed to comply with the requirements of the Act, to suspend or expel members of an exchange, and to make rules for an exchange if necessary.

It is the purpose of the Commission to prevent the manipulation of the price of securities, and to prevent unfair profits

¹ For years unscrupulous persons and firms sold huge quantities of worthless stocks and bonds to a gullible public. The Government did little to interfere, and the losses resulting were about \$25 billion as we passed from the boom of the twenties to the depression of the thirties.

hitherto made by "corporate insiders" through the use of knowledge which had not been made available to the public.

Regulation or Elimination of Public Utility Holding Companies.—Very often, through the use of holding companies, complete control of a large operating unit could be maintained by



an ownership interest equal to a fraction of 1 per cent of the property controlled. A financier would organize a small corporation with a small amount of voting stock and a large amount of non-voting stock, and would retain the voting stock. Then he would float bonds. With the proceeds he would organize a larger company and retain the majority of voting stock in that second company. He could repeat this operation just as long as investors would buy the stocks and bonds.

This holding company procedure became extensively used in connection with electric power companies and gas companies. Financiers who controlled holding companies claimed that their holding companies were conducive to large-scale production and greater efficiency. Their opponents showed that their complexity made it possible for shrewd financiers to conceal their operations and produce undue personal gains which should be used to reduce the price of electricity and gas.

Therefore in 1935 Congress directed the Commission to require a full and fair disclosure of the corporate structure of holding company systems. The Commission was further directed to eliminate uneconomic holding company structures, and to supervise security transactions and other operations of electric and gas holding company systems.

QUESTIONS ON THE TEXT

- 1 How much capital is required to organize a National Bank?
- 2 How are bank deposits guaranteed?
- 3 What happens if an insured bank fails?
- 4 Where may National Banks establish branches?
- 5 Why did so many banks fail before 1934?
- 6 How many Federal Reserve Banks are there?
- 7 What banks are members of a Federal Reserve Bank?
- 8 What powers has the Board of Governors of a Federal Reserve Bank?
9. Explain the Federal Land Banks. Who may borrow? At what interest rate? For what period?
10. Explain conditions when the Reconstruction Finance Corporation was created
11. What are the functions of the Reconstruction Finance Corporation? Of the Export-Import Bank?
12. What are the duties of the Securities and Exchange Commission?

PROBLEMS FOR DISCUSSION

- 1 How much money would be necessary to establish a National Bank in your town or city?
2. Of what Federal Reserve Bank are the National Banks in your town members?
- 3 How will the Federal Reserve Act help to prevent "panics" like that of 1907, which resulted from a scarcity or rather hoarding of money?
- 4 During "hard times" a merchant in a small city goes to the National Bank to borrow money by giving his note. Was he more likely to get this money before or after the Federal Reserve system was established? Why?
5. Deposits in insured banks are insured only to the extent of \$5000. This coverage gives full insurance to most depositors, so they do not care whether they deposit in banks well managed or in banks

poorly managed. But depositors of amounts in excess of \$5000 still patronize banks that are well managed, so a poorly managed bank gets only the small deposits. This is a strong incentive for every bank to get the reputation of being well managed. Do you consider this limited coverage up to \$5000 a clever and admirable device, or would you favor no insurance, or would you favor full coverage?

6 It has long been a crime against the United States to rob a bank chartered by the United States. But in 1934 Congress made it a crime against the United States to rob a *State* bank if it is a member of the Federal Reserve System. Stealing from any bank is of course a crime against the State in which the bank is located. If you were a bandit would you rather be tried by a State court or a United States court? Are State or United States officers more likely to capture a bandit?

7 In 1936 bankers wanted 5 per cent interest for money to refinance Great Northern Railway bonds coming due. The Reconstruction Finance Corporation agreed to refinance the bonds at 4 per cent. With this encouragement the Railroad Company was able to sell the bonds at 4 per cent to its own stockholders and bondholders, thus saving \$1,000,-000 annually. Why do you favor or oppose this Government competition with private banks?

8 Do you think the Government is justified in spending large sums of money through the Security and Exchange Commission to protect the 16,000,000 investors, or should we merely "let the purchaser beware"?

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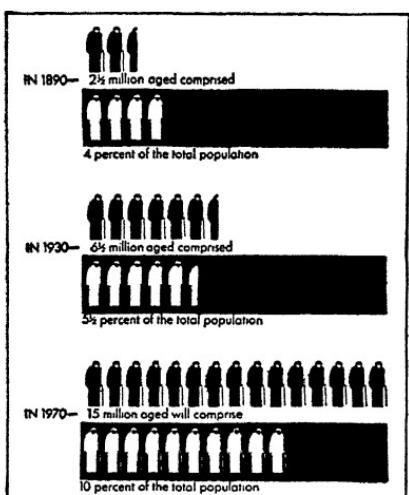
CHAPTER XIX

FEDERAL SECURITY AND FEDERAL WORKS AGENCIES

Federal Security Agency

SOCIAL SECURITY BOARD

Need for Old-Age Security.—Modern science and hygiene have enabled an increasing number of people to reach old age.



PERSONS 65 AND OVER IN THE UNITED STATES

less, upon everybody instead of upon some dutiful son or daughter who is not responsible for the condition. Moreover, an assured reasonable income for the old increases the purchasing power and helps make jobs for the young.

Because of sickness, accidents, and occasional unemployment it is difficult or impossible for a laborer who has reared a family to save from his meager wages. And it is more just to place all the burden of supporting those who have been unfortunate, or even shift-

Social Security Board. — Millions of people lost their savings during the depression of the early thirties, and millions lost their jobs because of man-saving machines. Moreover, most of these people live in cities in rented property and are dependent upon others for employment. In 1935 the Committee on Economic Security reported to the President that 18,000,000 people, including children and aged, were dependent upon emergency relief, and that 10,000,000 workers had no employment other than relief work.

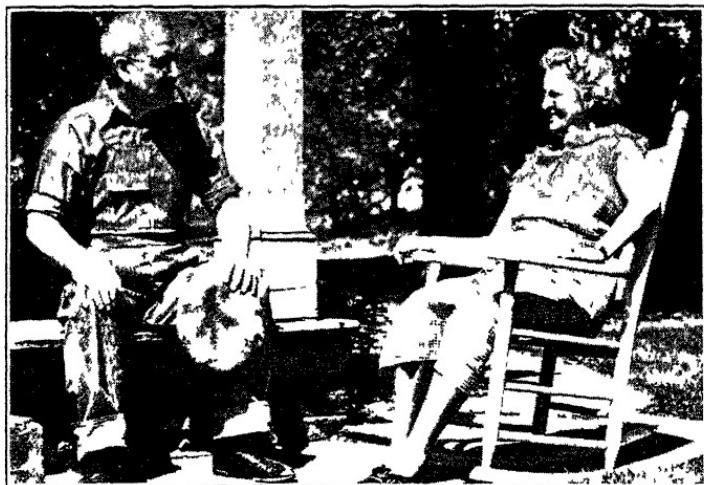
Therefore in 1935 Congress created the Social Security Board, which is composed of three members appointed by the President and Senate for terms of six years. Its duties are to study and recommend methods of providing economic security, and to administer Federal grants to States for old-age benefits, unemployment compensation, old-age assistance, aid to the blind, and aid to dependent children, that is, children under sixteen who have been deprived of parental support and are living in private homes with near relatives.

Federal Old-Age and Survivors Insurance. — Through the Social Security Board, Congress provides for a retirement fund from which employees of most industries,¹ when 65 years of age, may stop work and receive a monthly benefit varying from \$10 to \$85 a month depending upon the average monthly earnings and the number of years of coverage, as follows:

AVERAGE MONTHLY EARNINGS	MONTHLY BENEFIT PAYMENTS FOR SINGLE MAN OR WOMAN WHO HAS WORKED THE FOLLOWING NUMBER OF YEARS					
	3	5	10	20	30	40
\$50	\$20 60	\$21 00	\$22 00	\$24 00	\$26 00	\$28 00
100	25 75	26 25	27 50	30 00	32 50	35 00
150	30 90	31 50	33 00	36 00	39 00	42 00
250	41 20	42 00	44 00	48 00	52 00	56 00

¹ The old-age retirement benefits do not apply to agricultural laborers, domestic servants, Federal, State, or local government employees, or to religious, charitable, and certain other non-profit organizations.

If the beneficiary is married, his wife will receive, when she is 65, a monthly payment equal to 50% of the husband's payment. That is, if a man earns an average of \$100 a month from his 25th to his 65th birthday he will receive \$35 a month the rest of his life, and his wife, when 65, will receive \$17 50, or a total family income of \$52 50 a month.



ASSURED INCOME MAY MEAN A HAPPY OLD AGE

If the beneficiary dies before he is 65, his widow, if she has a child, will receive $\frac{3}{4}$ of the benefits he had earned up to that time, plus an additional amount for the support of the child or children, until the youngest child is 18. And when a widow becomes 65, whether or not she has had children, she may receive monthly $\frac{3}{4}$ of the benefits the husband had earned provided she has not remarried or is not entitled to a larger benefit on her own account.

To help provide the fund from which the benefits are paid each employee who comes under the Act must pay 1% of his wages¹

¹ When Congress decides that it is necessary, this percentage payment will be increased. The tax is not assessed on the portion of the annual salary above \$3000.

and the employer must pay a like amount for him. (Beginning in 1948 employers and employees will each pay $2\frac{1}{2}\%$ instead of 1% unless Congress again postpones the date of the advance, which it has been doing for a number of years)

To benefit by the Social Security Act a wage earner must register and receive a numbered account card. Then whenever he is employed at an occupation covered by the Act the employer remits the tax with that number. More than 60,000,000 men and women over 18 years of age are registered.

Exemptions of farm labor, domestics, and employees of educational, charitable, and religious organizations from the system have been severely criticized and the Social Security Board favors bringing all of these classes under the Act.¹

The United States Employment Service was created in 1907 to find jobs for newly arrived aliens, during the First World War it was the recruiting agency for civilian workers in war work, after the war it found work for veterans, during the depression of the thirties it became the channel through which millions of unemployed were assigned to jobs on public works; during World War II the Service was transferred to the War Manpower Commission to find workers for war industries, and now it is helping to find peacetime jobs for warworkers and veterans.

Unemployment Compensation. — All States have unemployment compensation laws and pay weekly benefits to insured wage earners who become temporarily unemployed.² The benefits range from \$5 to \$18 per week in most States and are determined by the amount the worker has received in wages over a specified period. At least 20 weeks' employment during the year is usually required to make one eligible for the compensa-

¹ The Railroad Retirement Board enforces the Railroad Retirement Acts. Railroad Corporations and railroad employees pay higher taxes than others, and receive monthly retirement allowances as high as \$130.

² This unemployment compensation tax does not apply to agricultural laborers, domestic servants, vessel crews, children under 21 working for mother or father, or adults working for son or daughter or spouse, government employees, or employees of non-profit institutions.

tion. The payments begin after a two or three weeks' waiting period if the Employment Service has not found a suitable job for the unemployed; and they continue for not exceeding four months.

The Federal Government levies a tax on employers of eight or more persons in most industries, and the Social Security Board returns most of this to the States provided they conform to the standard regulations of the Board. The United States Treasury maintains the Unemployment Trust Fund and returns money to the States as they need it for the unemployed.

Federal Grants to States for Old-Age Assistance. — Between 1923 and 1935 three fourths of the States enacted some sort of old-age pension law. In 1935, to encourage this movement, Congress authorized an annual Federal appropriation of money to assist States in the payment of old-age pensions, under certain conditions. The Social Security Board is to satisfy itself that each State meets these conditions before it receives its grant.

The following conditions must be complied with by a State to receive the Federal grant:

1. State pension law must apply to needy of 65 and older.
2. Must not be granted to an inmate of a public institution.
3. Must be granted to all needy citizens applying, if resident of the State 5 years out of the last 9 years, and continuously for the last year.
4. If the pensioner dies with property and State law requires repayment of what he has received, the United States gets half of it.

If these conditions are met, the Federal Government will pay one half of the pensions granted up to \$40 a month. In 1946 Congress added a bonus of \$5 a month to the 50-50 payment. That is, the Federal aid cannot exceed \$25 a month per person.

The Government also pays 50 per cent on pensions for the blind up to \$40 a month, plus a \$5 bonus like that for the aged.

Federal Aid to Dependent Children. — In 1935 Congress authorized an annual appropriation to assist the States in aiding

dependent children. If the State plan for administering the fund satisfies the Social Security Board, the Federal Government will contribute one half of State expenditures for needy children under 16 years of age (or 18 if in school) dependent by reason of death, absence, or incapacity of a parent, if the children live with certain relatives in residences maintained as homes. The Federal Government pays half up to a total of \$24 per month for the first child and \$15 for each additional child, plus a bonus of \$3 for each child.



© The Boston Floating Hospital

THE FREE WARD IN A PUBLIC HOSPITAL

Federal Aid Is Granted through the Children's Bureau for:
Crippled Children, if matched by the State.

Child Welfare — especially for neglected and near-delinquent children in rural areas. The State or locality pays part.

Mothers' and Children's Health. Part of the money is distributed among the States in proportion to live births and part according to need. The latter need not be matched by the State.

PUBLIC HEALTH SERVICE

United States Public Health Service.—A seventeenth-century English author incidentally mentions the fact that every fourth person in a large representative audience was horribly disfigured by smallpox. With our modern travel of persons and interchange of commodities in commerce we should never be safe from smallpox, cholera, yellow fever, and other dreaded diseases.



Courtesy United States Public Health Service

THE TEMPERATURES OF PASSENGERS ARRIVING BY AIRPLANE ARE TAKEN AS A TEST FOR YELLOW FEVER

were it not for Uncle Sam's efficient family physician — the United States Public Health Service

Protection against Communicable Diseases from Abroad — Highly trained officers are sent to the foreign ports of the world to detect and prevent persons suffering from contagious diseases from embarking on vessels destined for the United States. American consuls stationed in hundreds of foreign cities make reports of health conditions. And physical examinations are given to immigrants by this service. Also every airplane before

departure from South American ports is inspected and fumigated. On arrival additional fumigation is done to prevent yellow fever.

Protection against Communicable Diseases from State to State. — Weekly telegraphic reports from State health officials and weekly mail reports from local health officials of all sizable cities enable the Service to establish interstate quarantines and other pre-



TASTING AND TESTING

© Harris and Ewing

ventive measures. Water from about 3000 sources is tested to provide sanitary drinking water for trains and planes and boats.

The Domestic Quarantine Division controls the habitat of squirrels in the Pacific and Rocky Mountain States where they are known to be carriers of plague. Squirrel-free zones must be maintained around certain cities to prevent infected squirrels from coming in contact with city rats, which, in turn, could spread the plague. The Domestic Quarantine Division once tracked down an epidemic of typhoid fever caused by infected oysters, and then taught State health officers how to prevent the infection of oysters.

Research Laboratories — Disease wasted more manpower in World War I than all the battle casualties. In World War II about 97% of the wounded who did not die on the battle field recovered from their wounds. The Public Health Service maintains laboratories of which the National Institute of Health, the National Institute of Mental Health, and the National Cancer Institute at Bethesda, Maryland, are the best known. This Health Service discovered the cause and cure of pellagra, learned how to grind up ticks to make a vaccine against Rocky Mountain fever, and found that the cotton rat can carry infantile paralysis. Nutrition research helped to win the war.

Safe and Standardized Biologic Products — Manufacturers of vaccines, serums, antitoxins, and the like are licensed by the Public Health Service, and their products are carefully examined.

Venereal Disease Research and Treatment — Thirty million Americans are affected with varying degrees of venereal disease, but Norway and Sweden have freed themselves from it. Now the Service is spending millions of dollars annually to investigate, treat, and prevent this disease. During the First World War about 7,000,000 days of service were lost because of syphilis and gonorrhea.

The Division of Mental Health operates hospitals for narcotic addicts at Lexington, Kentucky, and Fort Worth, Texas, besides directing medical care of Federal prisoners, and furnishing psychiatric service in Federal courts.

Marine Hospitals — Twenty-seven of these are now operated for seamen and their legal beneficiaries.

The National Leper Home at Carville, Louisiana, cares for hundreds of quarantined patients, treats them, and carries on research for the prevention of the dreaded disease.

Sanitary Reports and Statistics are collected from everywhere, and information on the prevalence of disease is made available for the health officials of every county and city.

Health Education is encouraged by the Service through printed reports, bulletins, the press, radio, and moving pictures.

Flying Squadrons, consisting of specially trained physicians, engineers, and chemists, go anywhere in the country on short notice to provide technical consultation in cooperation with State or local health departments for assistance when epidemics need prompt attention.



SCHOOL "FOOD FOR FITNESS"

Nutrition. — Even in normal times only about one fourth of the people of the United States are properly fed; and it is thought that the average active virile life-span could be increased by ten years through a perfect diet for everybody. Many families cannot afford adequate "protective foods" such as milk, meat, eggs, fresh vegetables, and fruits. The Food Stamp Plan enabled many a man and woman and child to live who had merely existed before, and the school lunch program has improved the capacity of underfed children to learn. In time of peace as well as when we are training soldiers for war, our motto should be "Food for Fitness."

FEDERAL PURE FOOD AND DRUG ADMINISTRATION

Introduction. — The Commissioner of Foods and Drugs administers the Pure Food and Drug Act of 1938 (strengthening the Act of 1906) This 1938 Act excludes from interstate commerce anything adulterated or misbranded, and many injurious drugs, devices, cosmetics, and foods and drinks for man or animal

Drugs must meet the standards of official pharmacopoeias, or if changes are made the change must be clearly stated on the container Dangerous drugs may be confiscated, and all new drugs are tested before the Administration authorizes their sale A permit must be obtained before marketing a new drug, in order to prevent the repetition of the sulfanilamide disaster in which 105 people lost their lives

Foods and Drinks are examined in numerous testing laboratories throughout the United States; and inspection services are likewise maintained The Commissioner establishes definitions and standards of quality, and a reputable firm is now protected against competition by a "chiseling" competitor who would adulterate his product — *e.g.*, with clay in candy, peanut hulls in stock feeds, or tartaric acid in lemonade

Confections must not contain alcohol except less than $\frac{1}{2}$ per cent from flavoring extracts

Labels must give the significant ingredients and the quantity of a package, and must not misname them For instance, veal must not be mislabeled as "canned chicken" Narcotic or hypnotic drugs must be labeled, "Warning: May be Habit-Forming" Poisonous or otherwise dangerous drugs must be plainly labeled and instructions given for use and for antidotes For instance, coal tar dyes commonly used for dyeing hair must have a label which states that they are dangerous for some people and may cause blindness if used near the eyes

Slack-filling and deceptive containers are forbidden

The Act applies to interstate commerce and to imports, but not to all exports States have their own local regulations

The Office of Education, now in this Agency, is treated in Chapter XXXV to give a well-rounded functional approach

Federal Works Agency

PUBLIC ROADS ADMINISTRATION

The Bureau of Public Roads conducts research into highway design, construction, and economics; supervises the construction of national forest and other national roads, and administers Federal funds contributed towards State and local roads.

Federal-Aid Highways are built by State highway departments, subject to various restrictions administered by the Federal Commissioner of Public Roads. For instance, Congress has authorized a 40,000-mile interstate highway system; but before any State can receive Federal aid for its portion of this system the Federal Commissioner of Public Roads must approve the roads designated by the State highway department as its connecting links of the 40,000-mile system

During the War, Congress appropriated money for defense highways only, but in 1944 Congress authorized the allotment of Federal funds to assist States in making road surveys and blueprints. It also authorized Federal road aid to the States amounting to \$500,000,000 for each of the three years following the War. Just as before the War, the States must match this annual appropriation of \$500,000,000 with another \$500,000,000.

How Federal Funds Will Be Distributed to the States:¹

\$225,000,000 for the 40,000-mile system of Interstate Highways ($\frac{1}{3}$ in proportion to area, $\frac{1}{3}$ population, $\frac{1}{3}$ mail route mileage).

\$150,000,000 for market, rural mail, and school bus routes ($\frac{1}{3}$ in proportion to area, $\frac{1}{3}$ rural population — including towns of less than 2500 — $\frac{1}{3}$ mail route mileage)

\$125,000,000 for highways through or around cities of 5000 or more (in proportion to State's population of cities of 5000 or more)

¹ If a State uses part of its gasoline tax for purposes other than highways, it receives less Federal funds than if it uses all for highways.

QUESTIONS ON THE TEXT

- 1 Explain the increasing need for old-age security
- 2 Explain, (a) Federal Old-Age and Survivors Insurance, (b) Unemployment Compensation, (c) Old-Age Assistance, (d) Aid to Children and Mothers.
- 3 Explain (a) Public Health Service, (b) Public Roads

PROBLEMS FOR DISCUSSION

1 Would you favor a pension of \$25 a month for *every* citizen of the United States over 60 years of age? It would cost about \$3,000,000,000 a year, or about 3% of our national income. It would be much like a compulsory insurance plan with payments in proportion to ability. The ambitious and frugal would be rewarded as well as the shiftless or unfortunate. What taxes would be most just for this purpose: Amusement? Luxury? Sales? Income? Inheritance? Property? Or a combination of which?

2. For shipyard workers Henry Kaiser built a thoroughly modern air-conditioned hospital in Oakland, California, and employed about 60 physicians at salaries varying from \$450 to \$1000 a month. For unlimited service— including care of colds, pneumonia, accidents, major operations, unstinted use of the X-ray, blood transfusions, expensive medicines, and a stay as long as necessary in the hospital — \$2 a month was deducted from the salaries of his employees.

The California Physicians' Service will give a worker's family liberal medical treatment for \$5 a month. They can choose any one of a panel of physicians for diagnostic, medical, and surgical attention.

Do you have similar cooperative medicine in your community? If so, how does it work? Give arguments for and against. Do you favor free medical service paid for through taxes? What kind of taxes?

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CHAPTER XX

TERRITORIES AND OTHER DEPENDENCIES

Classification of Territories. — All territories acquired by the United States before the Spanish-American War, with the one exception of Alaska, were adjacent and had been settled and developed by natives of this country and by European immigrants whose civilization and traditions were not fundamentally different from our own. So Congress extended to them a large measure of self-government and all the civil rights secured by the National Constitution. But the Spanish-American War brought under our control distant territory lying in the tropics and inhabited by peoples of different races who were inexperienced in self-government and unaccustomed to the same kind of civil and political rights enjoyed under our Constitution. Therefore in the famous "Insular Cases" the Supreme Court decided that the Constitution does not necessarily follow the flag, and that it bears three different relationships to (1) the Union of States, (2) incorporated territories, and (3) unincorporated territories.

All parts of the Constitution, of course, apply to the States; all parts, except such clauses as are clearly and expressly applicable only to admitted States, extend to Hawaii¹ and Alaska, which are incorporated territories. But the territories or dependencies other than Alaska and Hawaii are classified as unincorporated. In them Congress does not have to grant mere procedural guarantees of the Constitution such as indictment by grand jury and trial by jury; but Congress could not deprive their inhabitants of life, liberty, or property without due process

¹ Constitutional authorities are not unanimous in classifying Hawaii as an incorporated territory, but it is increasingly so considered.

of law, or take their property for public use without just compensation, because the courts have declared these to be fundamental rights which can be denied to none. That is, Congress can depart from procedural parts of the Constitution for unincorporated territories, but not from the fundamental substantive provisions.

Hawaii. — In 1778 Captain Cook, an Englishman, explored the Hawaiian Group of Islands and named them "Sandwich Islands" in honor of his patron, the Earl of Sandwich. (The Earl of Sandwich was so fond of playing cards that he would not stop to eat. He had a servant bring him a slice of cold meat between two slices of bread so he could eat it while playing. This combination thus became known as a "sandwich.") However, the native name "Hawaii" has become the accepted name. When Captain Cook appeared the natives seem to have taken him for a god, but the outrageous conduct of his crew finally emboldened a native to kill him by stabbing him in the back with an iron dagger.

The foreign riffraff of explorers and whalers who visited the Islands during the next half century acted on the assumption that no laws, whether of God or man, were in force west of Cape Horn. But the coming of the missionaries in 1820 brought civilization to the natives. The missionaries brought the higher ideals of conduct, a written language (English), rules of health, impartial advice to the rulers, and monogamy. Descendants of the missionaries remained in Hawaii, and at the end of the nineteenth century the Islands unsuccessfully sought annexation to the United States.

Upon the outbreak of hostilities with Spain in 1898 the value of island possessions as coaling stations and for other strategic purposes became very apparent. Therefore, the same year, the Hawaiian Republic, which had previously desired to become annexed to the United States, was admitted as the Territory of Hawaii.

The Hawaiian Islands are in the mid-Pacific between California and the Philippine Islands, and have a total area of 6449

square miles According to the United States Census of 1940 their population was 423,330 Of these the Japanese are about a third, the Filipinos a sixth, while native Hawaiians, Chinese, Portuguese, and Americans constitute most of the remaining half¹ Immigration from Japan and Korea to Hawaii is now prohibited in the same way that immigration from these countries to the United States is prohibited All persons born in Hawaii are U. S citizens and can migrate to the United States.

In 1900 Congress framed laws for the government of Hawaii. These laws were very largely copied from those for the government of Oklahoma, New Mexico, and Arizona, which were then territories of the United States, and hence governed according to the wishes of Congress² All the provisions of the Constitution and laws of the United States, except where special exception was made or where they were locally inapplicable, were extended to Hawaii³ Under this government American citizenship was extended to all Hawaiian citizens and Hawaiian citizenship to all resident American citizens

The Hawaiian government is divided into three branches — the executive, the legislative, and the judicial. Members of both houses of the legislature are popularly elected, and because of this fact Hawaii is known as a *fully organized territory* of the United States

The Chief Executive of the Territory of Hawaii is the *governor* He is appointed by the President and Senate of the United States

¹ According to the 1940 Census the composition of the Hawaiian population was as follows.

Hawaiian and Part Hawaiian	64,310	Koreans	.	6,851
Caucasian . . .	103,791	Filipinos	.	52,569
Japanese . . .	157,905	Puerto Ricans		8,296
Chinese . . .	28,774	Other races		834
		Total population		423,330

² All of our forty-eight States were Territories before becoming States, except the thirteen original States and Maine, Vermont, Kentucky, West Virginia, Texas, and California

³ The Nineteenth Amendment to the United States Constitution brought woman suffrage to Hawaii.

for a term of four years, and must be a citizen of the territory. He, in turn, appoints the chief administrative officers with the advice and consent of the territorial senate, and exercises the usual powers of a governor, including the veto of bills in their entirety or of separate items in appropriation bills.

The Legislature of the territory consists of a *senate* with fifteen members elected for the term of four years, and a *house of representatives* with thirty members elected for the term of two years. Regular sessions of the legislature are held biennially and are limited to sixty days. The legislature may enact any law which does not conflict with the Constitution, statutes, or treaties of the United States. Congress, however, has by statutes imposed restrictions upon the power of the legislature, especially in regard to financial matters.

The Judiciary of the territory consists of a Supreme Court with three judges, residents of the territory, appointed by the President and Senate for a term of four years, a United States District Court with two judges appointed by the President and Senate for a term of six years, and inferior courts created by the territorial legislature.

A Territorial Delegate to the government of the United States is elected by the people of the territory for each term of Congress. He is allowed a seat in the House of Representatives with a right to debate and serve on committees, but he cannot vote. His salary is the same as that of a Congressman.

Finances. — The Hawaiians pay Federal internal revenue taxes and customs on goods from countries other than the United States, just as they are paid by inhabitants of the 48 States. Of course there is no tariff on commodities from the United States to Hawaii or from the Islands to the United States.

The Coastwise Laws of the United States are applied to Hawaii; and in normal times only United States vessels can carry freight or passengers between Hawaii and continental United States.

Education. — Hawaii is at the crossroads of the Pacific, and here the races meet without much racial prejudice. The public

schools, using English exclusively, are merging Hawaiians, Americans, Japanese, Chinese, and Filipinos into loyal American citizens.



James Sawders

SCHOOL ON A SUGAR PLANTATION IN HAWAII

The Immigration Laws of the United States apply to Hawaii. That is, Orientals are excluded from Hawaii to the same extent as from the United States. Europeans have to come under the limited United States quota.

Alaska. — When Alaska was purchased from Russia in 1867 for only \$7,200,000, very little was known about it, and one congressman called it "the refrigerator of the United States." It was not realized that the parts of Alaska affected by the Japanese Current have more moderate winters than many of the northern States of our Union. The latitude is that of Norway and Sweden.

The area of Alaska is 586,400 square miles, and its population in 1940 was 72,524¹ — about half Indians (Eskimos). The inhabitants became citizens of the United States by treaty of

¹ Because of climatic conditions the Alaskan census was taken as of October 1 1939, instead of April 1, 1940

cession, and in 1912 Congress created a *fully organized* territorial government To-day the Territory of Alaska is governed in much the same manner as Hawaii Its inhabitants pay taxes and come under the coastwise laws and the immigration laws of the United States like the inhabitants of our States

The Governor is appointed by the President and Senate of the United States for a term of four years and has the usual powers. He does not have to be a citizen of Alaska

The Legislature consists of a *senate* with eight members popularly elected and a *house of representatives* with sixteen members popularly elected. It meets biennially for a period not exceeding sixty days and its powers are general except where specifically restricted All Alaskan laws are valid until disapproved by an Act of Congress if they are originally passed within the limits of the organic act

As an example of the restrictions imposed by Congress, neither the Hawaiian nor the Alaskan government may grant divorces to persons who have resided in the country less than two years

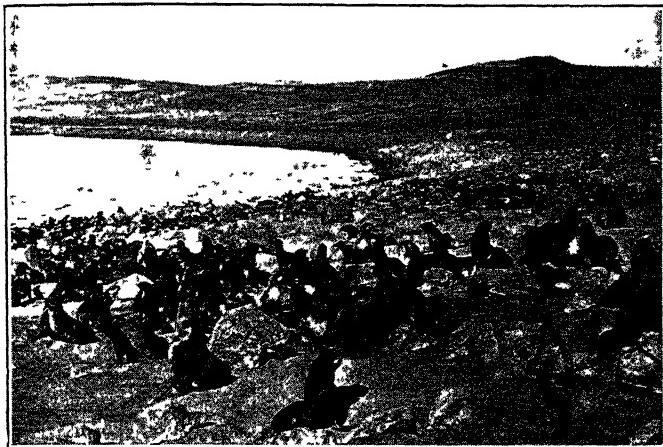
Of course Alaska does not have power to interfere with the general laws of the United States For instance, it cannot enact laws which in any way interfere with the customs, internal revenue, or postal laws of the United States ; or with the general fish, game, and fur-seal laws of the United States.

The Judiciary of Alaska consists of four United States district courts with judges appointed by the President and Senate for a term of four years, and of minor local courts presided over by commissioners whom the district judges appoint

A Territorial Delegate is elected every second November to represent Alaska in the Congress of the United States Like the territorial delegate from Hawaii he has a seat in the House of Representatives, debates, and serves on committees, but has no vote. His salary is the same as that of a Congressman

Resources — The resources of Alaska are great. It has gold, coal, copper, timber, water power, reindeer, fish, and seals.

Alaska's Seal Industry — The Pribilof Islands are the breeding grounds for the world's largest herd of furbearing seals¹. Previous to 1911 the seals were being rapidly exterminated because gasoline launches with rapid-fire guns from Canada, Japan, Russia, and the United States were taking them out of the sea. In 1911 these nations agreed to a system of dividing

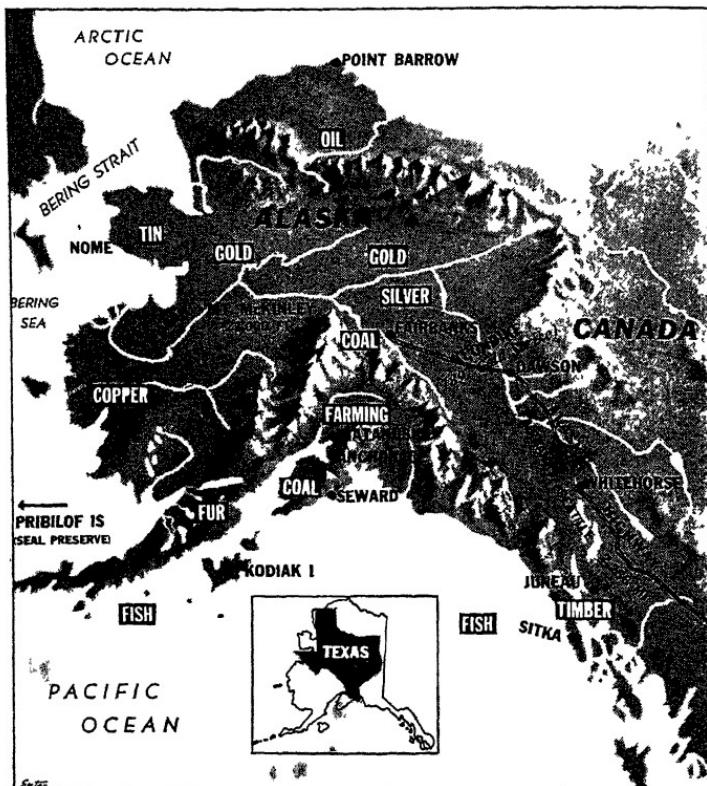


FUR SEALS ON THE PRIBILOF ISLANDS

the take on the Russian, Japanese, and United States islands, so that an indiscriminate slaughter should not take place. The herd on the Pribilof Islands, under management of the Bureau of Fisheries, increased from 132,000 to nearly 2,000,000, and furs valued at nearly \$1,000,000 were taken annually. In 1941 Japan withdrew from the above agreement.

¹ In May the 500-pound bull seals arrive and fight over areas for their harems. In June when the 100-pound cows arrive the bulls drag as many as possible to their harems. And to protect their harems against would-be wife-thieves the bulls stand on guard without food, drink, or rest for weeks. In July, after a pregnancy of nearly a year the cows deliver their pups. Then follows the breeding season. About 50,000 young bachelors are annually slaughtered by our Government agents to provide skins for sealskin coats.

Alaska as a Military and Naval Outpost — At the outbreak of World War II it was realized that it is only 700 miles from the nearest Japanese base to Attu, at the tip of the Aleutian



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Islands; and that an enemy in possession of Alaska would be within 750 miles of Seattle — less than four hours as the bomber flies. Therefore the United States rushed fortifications in Alaska. We now have various bases in the territory, and these are valuable either for defensive or offensive warfare. From bases in Alaska it is only 2000 miles to Tokyo.

During the war a highway through Canada to Alaska was built by the United States to reduce the submarine danger. Since the war the Canadian Government has maintained it.

Our Federal Government has spent more than 300 million dollars for the construction of forty-four air fields in Alaska because in this air age it is considered vital for the defense of the United States. Any attack on this country by long-range planes or guided missiles is likely to come across the Arctic. Effective defense would require bases not only in Alaska, but in Northern Canada, Greenland, and Iceland as well. Since Alaska is U.S. territory and the others are not, we have no international problems in fortifying Alaska. Also as Alaska is separated only by the Bering Strait from Asia with its immense resources and populations it might be used as a stepping stone to the United States.

The Future of Alaska is brightened by the fact that it has great natural resources, is no farther north than such progressive countries as Norway and Sweden, is an important link in our chain of defenses, and is a convenient junction for the shortest air traffic route between Russia and the United States — the two richest countries in the world.

Puerto Rico. — The United States took possession of Puerto Rico in 1898 during the Spanish-American War, and acquired it by treaty the following year. Its area is 3435 square miles and its population in 1940 was 1,869,255, of whom 76 per cent were whites and 24 per cent mulattoes and Negroes.

Spanish is the language in the island, and in the interior few people can speak English. Spanish is the language of the public schools, but in many schools English is taught as a subject. A member of the legislature may speak either Spanish or English.

The government of Puerto Rico is based on Acts passed by Congress in 1900 and 1917. The later Act grants American citizenship to Puerto Ricans and specifically extends to them most of the civil rights guaranteed by the United States Constitution.

The Executive power of the government is vested in a governor,

appointed by the President and Senate for an indefinite term. The governor is assisted by several heads of executive departments, of whom two (attorney-general and commissioner of education) are appointed by the President, while the other five are appointed by the governor. These seven heads of departments form an executive council, assisting the governor in an advisory capacity and holding office for four years.

The principal financial officer is an auditor who is appointed by the President for a term of four years, but he is under the general supervision of the governor.

The Legislature of the Island is composed of two houses, a senate and a house of representatives. The *senate* consists of nineteen members, of whom two are elected from each of seven senatorial districts and five are elected at large. The *house of representatives* consists of thirty-nine members, one elected from each of the thirty-five districts and four elected at large. All are elected for a term of four years.

Legislation may be vetoed by the governor, but his veto may be overridden by a two-thirds vote of both houses. Where the veto is overridden the bill is referred to the President of the United States, who has an absolute veto. All laws must be submitted to Congress, which reserves the power to annul them but in practice has never interfered.

The Judiciary of Puerto Rico has been almost completely Americanized in form, law, and procedure. The supreme court consists of five judges appointed for life by the President and Senate. Below this court are inferior courts with judges either appointed by the governor or elected by the people. There is also one United States district court with a judge appointed by the President and Senate.

A Commissioner, elected by the voters every four years, represents the Island in Washington. Unlike the territorial delegate, he has no statute right to a seat in the House, but by courtesy he is given the privilege of speaking and of serving on committees. He receives the same salary as a Congressman.

The Finances of Puerto Rico are not handled like those of the incorporated territories (Alaska and Hawaii). Instead of paying the internal revenue taxes levied by Congress, the local legislature levies these taxes for Puerto Rico, including the income tax. Commodities between Puerto Rico and the United States do not pay tariff duty, but articles entering the United States from Puerto Rico must pay the United States internal revenue tax, and articles from the United States entering Puerto Rico must pay the Puerto Rican internal revenue tax. Articles entering Puerto Rico from countries other than the United States pay the same tariff duties that they would pay if entering the United States. All of these taxes go into the treasury of the Puerto Rican Government. For instance, in 1944 the United States returned to Puerto Rico \$63,884,357 internal revenue tax on rum imported from Puerto Rico. In fact, three fourths of these revenues that go to Puerto Rico would go into our national treasury if collected by Hawaii or Alaska.

Poverty — Writing in 1897, a high authority in Puerto Rico had the following to say about the Puerto Rican laborer. "With a pale face, bare feet, lean body, ragged clothes, and feverish look, he walks indifferently, with the shadows of ignorance in his eyes, dreaming of the cock fight, the shuffle of the cards, or the prize in the provincial lottery."

The masses in Puerto Rico continue very poor. The average wage for cane cutters is only \$277 a year. And there is not much apparent relief in sight with its population of 560 per square mile, compared with 46 in the United States. Only half of the land is arable, and there is little mineral wealth. The population increases about 40,000 a year, or 2%.

The Little New Deal — In 1938 Luis Muñoz-Martín began forming the Popular Democratic Party with a program for "Bread, Land, Liberty," and gained control of the legislature in 1940. In 1941 the Land Authority was created and directed to acquire at a fair price (by condemnation proceedings if necessary) all land in excess of 500 acres owned by a corporation or other

legal entity except natural persons Under this Land Act there is an outright gift to any agricultural worker of $\frac{1}{4}$ acre, sale or lease of family sized farms (5 to 25 acres) to experienced farmers, or lease of proportional benefit farms (100 to 500 acres) to experienced farmers. In the last case, the workers on the farm share



PRIMITIVE METHODS OF SUGAR CULTIVATION IN PUERTO RICO

in the profits in addition to receiving wages at established rates during the year. After the expenses are paid the farmer gets a predetermined portion of the year's profit (5% to 15%) and apportions the rest among the workers according to the wages they have earned

Other government corporations, known as authorities, have purchased nearly all of such public utilities as telegraph, telephone, and bus lines The government has also created the Puerto Rico Development Company, financed by the Puerto Rico Development Bank This government agency has established a glass factory to supply bottles for the rum industry, a paper factory to make corrugated paper for packing rum

bottles; and has planned other factories to produce wallboard from cane, synthetic edible yeast to improve the diet of the people, and the like.

The Political Situation — The Popular Democratic Party came into power with a narrow margin in 1940, but in 1944 it won 16 of the 19 seats in the senate and 38 of the 39 in the lower house. Its great majority shows the popularity of the Little New Deal.

The Popular Democratic Party sent Jesus T. Pinero, a well-to-do American-educated landowner to Washington as Resident Commissioner of Puerto Rico, and in 1946 President Truman appointed him Governor of Puerto Rico — the first native governor ever appointed by an American President. He has the reputation in San Juan and Washington for calm judgment.

The system of voting in Puerto Rico is unique, and seems fraud-proof. In 1944 voters were required to be in their voting places before one o'clock on November 7. At that hour the doors were locked, and voting began. Each voter was called in alphabetical order and received his ballot.

The Independence Movement — Puerto Rico is 950 miles from the nearest American port, and the majority of its people have never been happy under Anglo-Saxons because Puerto Rico is Latin American in language, culture, and history.

The Puerto Rican legislature has unanimously proposed to Congress a three-fold referendum on self-government. It was introduced in the Senate by Senator Tydings. This bill, if passed, will offer three alternative forms of government to the people of Puerto Rico: statehood, self-government such as Canada has under the British Commonwealth of Nations, or independence. Under any one of these the United States is to retain its naval bases; but Puerto Rico wants a continuance of free trade with the United States, and certain special economic advantages which she now has.

In the words of a State Department wit, Puerto Rico wants "divorce with alimony." The wedding, following the Spanish-American War, was of the shotgun variety, with Uncle Sam

holding the gun After half a century the match is unhappy, and conditions are growing worse

Puerto Rican Grievances.

They want a locally elected governor, who can always speak their language

They want a local cabinet appointed by the elective governor

They want judges chosen in Puerto Rico

They want to be exempt from laws of our Congress

Our tariff laws protect our products more than theirs

Our tariff laws keep out of Puerto Rico much needed foods and raw products from nearby islands

The minimum wage laws of the United States apply to Puerto Rico, and killed an important needlework industry where women spent spare hours on embroidery which would not sell if produced at American wages

Our coastwise laws require all trade between Puerto Rico and the United States to be carried under the American flag As Puerto Rico does not have any ships, it means shipping in American vessels which charge higher freight than vessels of European countries

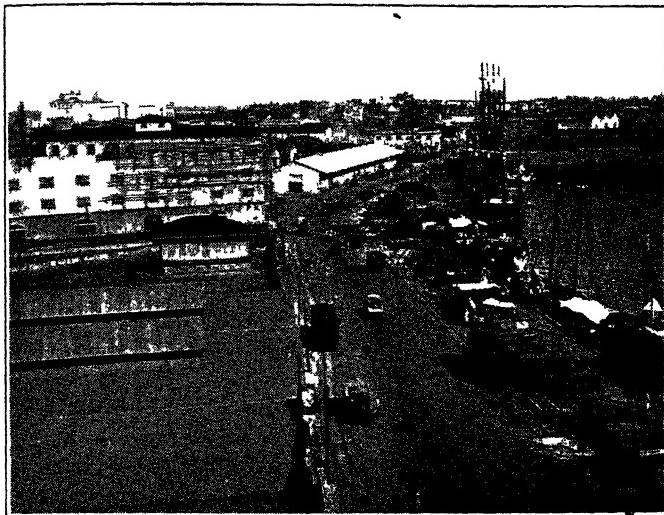
We have limited the amount of sugar and of rum that they may ship to the United States

Mr Pagan, Puerto Rico's Commissioner to Washington until 1945, accused us of extravagance He said that our governor lives in "regal splendor" in a Spanish castle "as large as the White House," and that "\$500,000 was spent on it for repairs alone" in one year "In addition to that, he has a mountain retreat and a summer home He has eight automobiles at his disposal, thirty household servants and gets his necessary household expenses, plus a salary of \$10,000 a year"

Congress is busy governing a great nation, hence neglects Puerto Rico

Special Privileges Enjoyed by Puerto Rico — Besides paying

for the defense of Puerto Rico, we do not require Puerto Rico to pay any taxes into the United States Treasury. For her products she has a tariff-free market in the greatest spending country in the world. Because her bonds are tax-exempt in the United States, her central government and municipalities can borrow for a third of the rate she would have to pay if independent.



R. I. Nesmith

AT THE DOCKS OF SAN JUAN, PUERTO RICO, LIE TALL-MASTED SHIPS
AND IN THE BACKGROUND AT THE LEFT STANDS THE CAPITOL

Services performed in Puerto Rico by our administrative departments, costing many millions annually, are paid by the United States. The income tax of several millions a year is retained by Puerto Rico instead of being sent to Washington. Moreover, we give to the Puerto Rican government all internal revenue tax collected on imports from Puerto Rico, which amounted to over \$63,000,000 on rum alone in 1944.

The Philippines. — The United States took possession of the Philippine Islands in 1898 during the Spanish-American War,

and they were ceded to the United States the following year. This archipelago consists of thousands of islands with a total area of 114,400 square miles, which is slightly larger than the State of Oregon, or about the size of Great Britain.

The Spaniards Christianized the natives and set up the only Christian nation in the Orient. According to the last census (1939) the population of the Philippines was 16,000,303, about twice the population of the Islands at the end of the Spanish regime. The dominant religion is Catholic, but there are about half a million Mohammedans (Moros, named after the Moors of Spain) and half a million pagans (Negritos and Hill Tribes).

There are 8 languages and 87 dialects spoken in the Islands, but all higher education was given in Spanish until the Islands were transferred to America. Then Spanish and English were made official languages, but the 1935 Philippine Constitution authorized the National Assembly to adopt a national language based on one of the existing native languages.

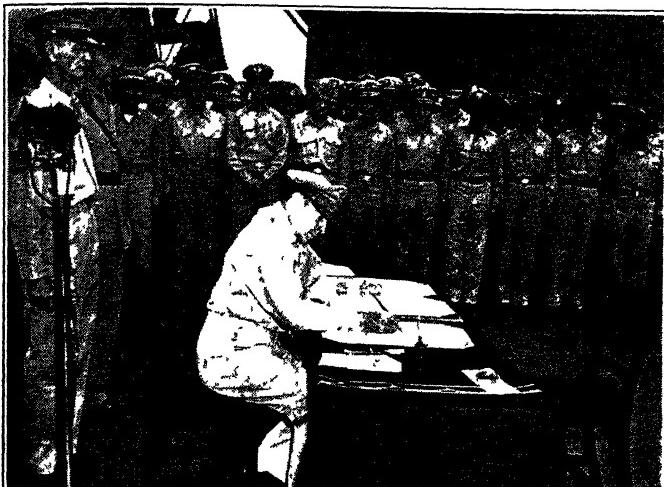
Independence Promised for July 4, 1946. — In 1934 Congress passed the Independence Bill authorizing the Filipinos to set up a new government preparatory to independence a decade later. They prepared and ratified a constitution establishing the Commonwealth Government to exist until July 4, 1946.

The Constitution of the Commonwealth Government provided a government similar to that of the United States. It created a National Assembly popularly elected by the votes of men and women, and a President likewise elected by the direct votes of the people. The United States was there represented by a High Commissioner, and the Filipinos were represented in Washington by a Resident Commissioner. From the inauguration of this government until it was overthrown by the Japanese invasion, Manuel Quezon was President of the Philippines.

Though President Quezon had spent his life working for independence he was friendly to the United States. On leaving New York in July, 1937, he said "The Philippines have been assisted economically and schooled politically by the United

States for nearly forty years No people in history, coming under a foreign flag, have ever been treated so generously ”

Japanese Invasion — On December 7, 1941, when the Japanese made their treacherous attack upon Pearl Harbor in Hawaii they also were on their way to invade the Philippines For five



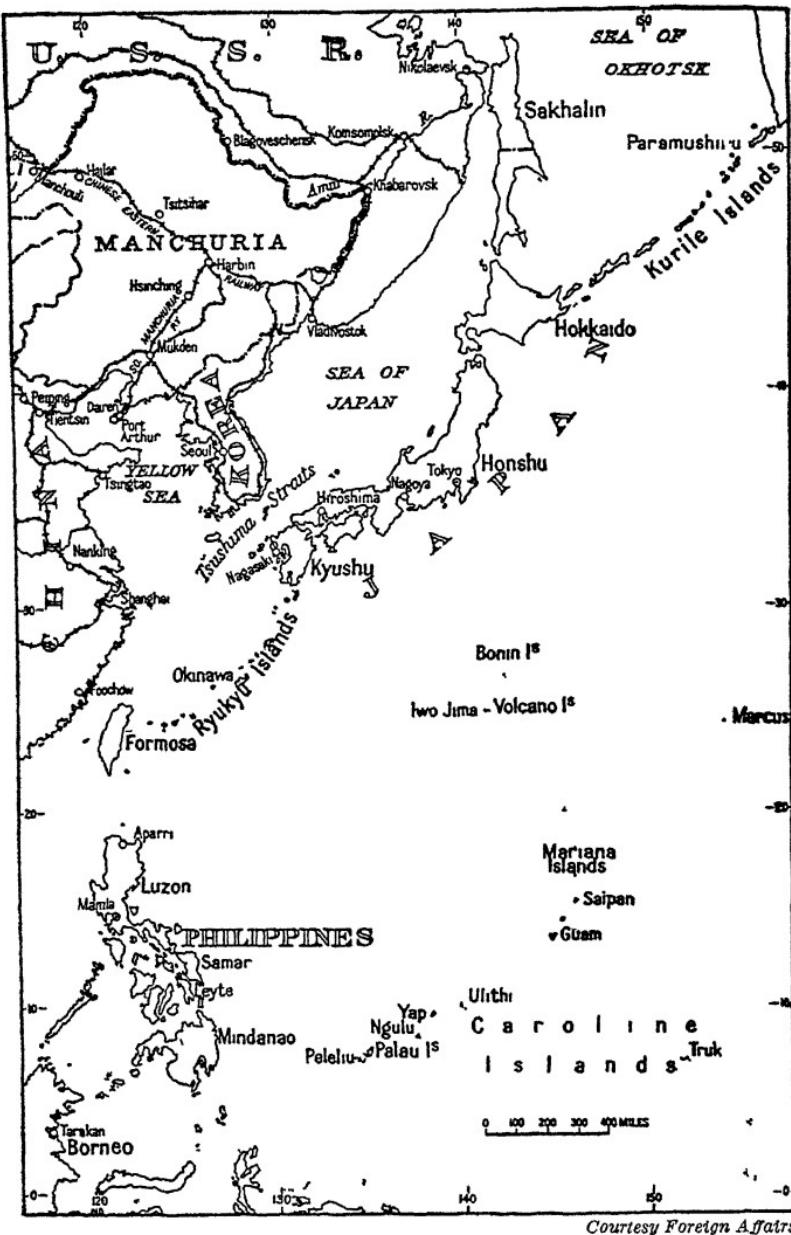
Courtesy U S Signal Corps

THE FALL OF JAPAN

General Douglas MacArthur signs as Supreme Allied Commander during formal surrender ceremonies aboard the U.S.S. *Missouri* in Tokyo Bay, September 1, 1945 Directly behind him are Lt Gen Jonathan Wainwright, hero of Bataan and Corregidor, and Lt Gen A E Percival, British Commander who surrendered to the Japanese at Singapore

months the small American army and relatively small Philippine army made a vigorous and brave defense of the islands ; but because of surrounding Japanese-held islands it was impossible for the United States to send reinforcements and supplies to the Philippines, and in May, 1942, our forces had to surrender.

General Douglas MacArthur, who was in command of the combined American and Filipino army, after a brave stand until the surrender was inevitable, escaped by a small fast boat to an airport from which he flew to Australia



Courtesy Foreign Affairs

THE PACIFIC — SCENE OF MANY BATTLES AND OF VICTORY

The Filipinos were overwhelmingly loyal to us during the war, and when General MacArthur led our troops back to the Islands they met us with open arms.

Manuel Roxas was elected President of the Philippines in 1946 and cooperated with the United States in arrangements for independence. He was groomed for this position by Manuel Quezon.

Our Relations with an Independent Philippines — According to promise, the Philippines were granted independence on July 4, 1946, and we are cooperating in the following respects:

The Philippine Trade Act of 1946 provides for an eight-year period of free trade between the United States and the Philippines with an ensuing twenty-year period in which tariff rates will increase 5% annually. This generous arrangement was approved by the Philippine Congress.

The Philippine Rehabilitation Act of 1946, passed by the U S Congress, provides \$620,000,000 compensation for war damages suffered by the Philippines, as follows.

\$400,000,000 for private claims

\$120,000,000 for roads and other public property

\$100,000,000 surplus property given the Government

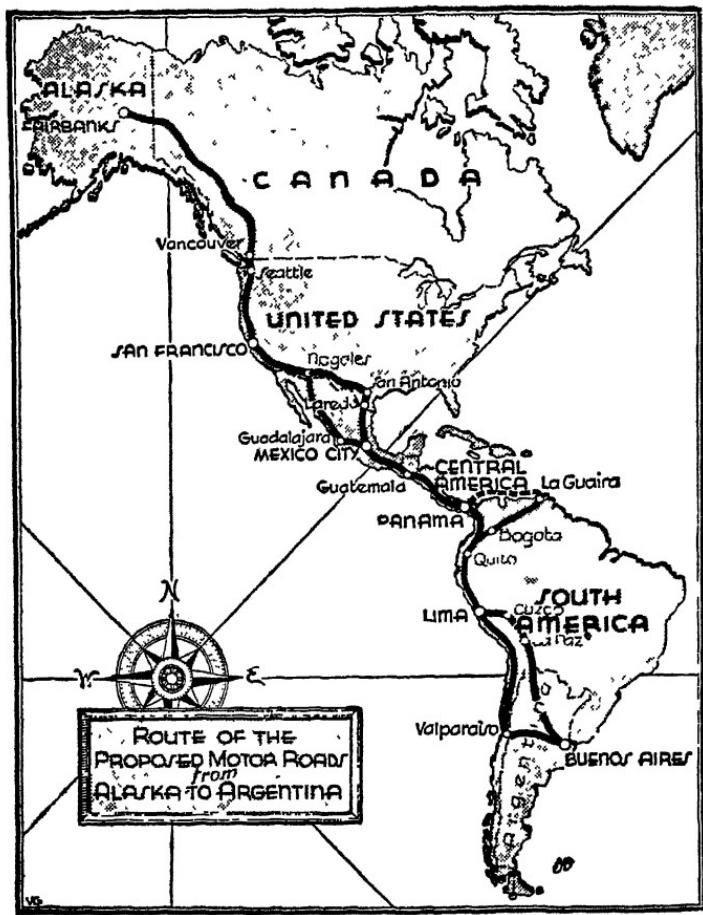
The Philippines permit the United States to establish air, ground, and naval bases in the Islands, and officers of the U S Army are training the Philippine army.

In 1946 Congress authorized the RFC to lend up to \$75,000,000 to the Philippine Government.



Harris & Ewing

MANUEL ROXAS



Courtesy New York Times

PAN AMERICAN HIGHWAY WHEN FINISHED

For many years the United States Government has been co-operating with other governments in constructing a highway from Alaska to Argentina. Our government has given substantial aid in engineers, loans, and structural material for bridges, as far south as Panama. We are interested in this highway because we want a defense land route to the Panama Canal, we desire the commercial opportunities thus made more available, and we believe that travel will strengthen friendly relations.

Highways to Our American Outposts. — With the increase of automobile transportation over the last few decades there has been a demand for good highways that connect the United States with Alaska and the Panama Canal

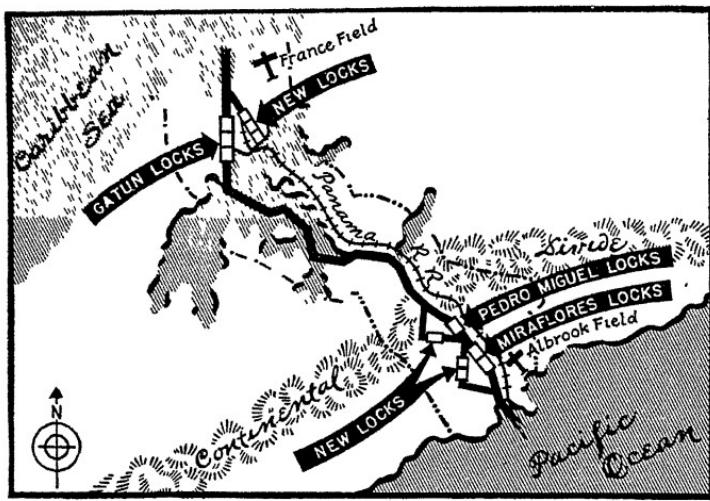
The shipping shortage as a result of the War accentuated this demand for highways, and the Alaskan highway was built in 1942, and the connecting links between Mexico City and the Panama Canal are rapidly being built. The defense of both these points is vital to the United States, and the loss of either to enemy powers would be tragic to the nation. Highways can carry much of the materials needed for warfare, and in case of attack can be used to supply additional men and materials

The Pan American Highway — Except in south Mexico and a few short stretches of road through jungle regions of Central America, the highway from the United States to the Panama Canal is an actuality. Some of the smaller Central American nations have already completed their connecting links, while the others are now speeding their efforts to complete the road. The United States has given much assistance to these nations through gifts, loans, engineers, and equipment

A highway will increase commerce and develop tourist trade. With a more rapid exchange of peoples will come a better understanding. This road can build American solidarity even better than conferences.

Panama Canal Zone. — The occupation, use, and control of a zone five miles wide on each side of the Panama Canal was granted by Panama to the United States by treaty in 1904. The Zone includes the Chagres River, where dams have been built to store water during the rainy season as a supply for operating the locks during the dry season; and it also includes all of the lake created by the Gatun Dam. It was necessary to include in the Zone the areas covered by the dams and the lake in order to insure a single, unified control over the water in the reservoir system. As a further precaution against the blocking of the

canal by an enemy, Congress in 1939 authorized the construction of a new set of locks apart from the existing twin locks, with connecting laterals to the main channel so that a ship may detour if anything happens to one lock. Explosive deflector nets also have been constructed in each lock. All the way across the isthmus we constructed a military highway, also a double oil

*American Observer*

NEW LOCKS FOR THE PANAMA CANAL

After an expenditure of \$75,000,000 work was stopped, and a shift to a sea level canal is under consideration.

pipe line to use should a lock be destroyed, as well as searchlights which were concealed everywhere.

Shortage of manpower stopped work on the new set of locks in 1942, and now the atomic bomb and guided missiles have necessitated a 1947 survey to determine whether we should complete the new set of locks at the cost of \$500,000,000 or construct a sea-level canal costing \$1,000,000,000.

For the lease of the Canal Zone we shall pay the Panama Republic \$430,000 a year forever. Privately-owned vessels pay

a toll of \$1.20 a ton for passage. That means \$12,000 toll on a 10,000-ton vessel.

The President of the United States governs the Zone through a Governor whose appointment is confirmed by the Senate. There is no legislature, so Congress legislates for the Zone, but because of the President's influence in governing it, it has been called a "crown colony."¹

Other Insular Dependencies. — The Virgin Islands,² consisting of St Croix, St Thomas, St. John, and fifty-odd small and mostly uninhabited islands, were purchased from Denmark by treaty in 1917 for \$25,000,000. The inhabitants are governed by the President through the Department of the Interior, and in 1927 United States citizenship was extended to them. Their inhabitants are predominantly Negro; and William H. Hastie, an able lawyer from Tennessee, is their first Negro Governor.

Guam was acquired in 1899 as a result of the war with Spain. The United States did not want to offend Japan by fortifying it, and Japan seized it at the beginning of World War II. In 1944 we regained this island.

Samoa, Wake, Midway, Baker, and Howland islands in mid-Pacific are valuable for naval, aeronautic, and radio uses.

The islands recently acquired from Japan are worthless to us except for defense purposes. Some will be fortified as naval bases because of protective harbors, and more of them are valuable as air bases (See page 244.)

District of Columbia. — The Constitution of the United States gives Congress power to exercise exclusive legislation over the District of Columbia in all cases whatsoever. This means that Congress may act like a State Legislature and city council in the District of Columbia, and this it is now doing. Previous to

¹ The population of the Canal Zone (1930 census) was 39,467 Civilians (white, 7,375, Negro, 20,111, other colored, 196) number 27,682 (11,785 residing in military and naval reservations). The 1940 total was 51,827.

² Called "Virgin Islands" by Columbus after Saint Ursula and her eleven thousand virgins, because the islands were too numerous to name individually.

1871 Congress permitted the District to be governed in the main by elective officials, and regular elections were held. The so-called territorial government which existed from 1871 to 1874 was both zealous and high-handed in the use of power to develop the capital. It piled up an alarming deficit. In 1874 Congress placed the bankrupt District into a sort of receivership (under three commissioners) which was supposed to be tempo-



Courtesy Washington Star

rary, but became permanent because Congress could not agree upon any substitute plan.

Since 1878 the District has been administered by three commissioners, two of whom are appointed for terms of three years by the President and Senate of the United States. The other is an engineer detailed by the President from the United States army to serve for an indefinite term. Other officers are likewise appointed by the President. These three commissioners administer the municipal departments, such as fire, traffic, police, and public health. They recommend needed legislation, but Congress is the only legislative body of the District.

All bills relating to the governing of the District are considered by committees, usually by the House Committee and the Senate

Committee on the District of Columbia, or by the House Committee and the Senate Committee on Appropriations. It is at public hearings of these committees that the people of the District make their wishes known. Congress used to appropriate 50 per cent of the expenses of the District from the United States Treasury, but gradually reduced the proportion. In 1947 it was a lump sum of \$8,000,000, which amounts to less than 10% of District expenditures. This appropriation is made because the Government owns so much tax-exempt property and because it wants a beautiful city as a setting for this property.

Since 1874 the residents of the District have been excluded from suffrage and have never been permitted to vote for presidential electors. It is paradoxical that a republic, proud of its representative government, should have taxation without representation in its very capital of a million people. Congress could create an elective council; and a Constitutional amendment could provide presidential suffrage.¹

QUESTIONS ON THE TEXT

1. Does the United States Constitution follow the flag?
2. What parts of the Constitution extend to incorporated territories? To unincorporated territories? Which territories are incorporated? What do you mean by incorporated?
3. What did the missionaries take to Hawaii?
4. What was the main reason for annexing Hawaii in 1898?
5. The government of Hawaii is somewhat similar to that of what former territories of the United States?
6. Are Hawaiians American citizens?
7. Into what three branches is the Hawaiian government divided?
8. How is the governor of Hawaii chosen? The senate? The house of representatives?
9. What laws may be enacted by the legislature of Hawaii?
10. By whom is the territory of Hawaii represented in Washington? May he vote?

¹ The United States Constitution provides that each *State* shall choose as many presidential electors as it has senators and representatives in Congress. The District of Columbia has no congressmen, therefore it would be unconstitutional for Congress to grant presidential suffrage to the District.

372 TERRITORIES AND OTHER DEPENDENCIES

- 11 What language is used in Hawaii?
 - 12 Do Hawaiians pay Federal taxes as citizens of States do?
 - 13 Do our immigration and coastwise laws apply to Hawaii?
 - 14 How and when did the United States acquire Alaska?
 15. How is the governor of Alaska chosen? The senate? The house of representatives?
 16. How is Alaska represented in Washington?
 17. Of what importance is Alaska as a military and naval outpost?
 18. How and when did the United States acquire Puerto Rico?
 19. How is the governor of Puerto Rico chosen? The senate?
- The house of representatives?
20. How is Puerto Rico represented in Washington?
 21. What financial advantages have been granted Puerto Rico?
 22. Why is there so much poverty in Puerto Rico?
 23. What are Puerto Rico's political and economic grievances?
 - 24 How and when did the United States acquire the Philippines?
 25. What religion predominates in the Philippines?
 - 26 How many languages are spoken in the Philippines? Which are official? Which is used in the public schools?
 27. Describe the Independence Act of 1934
 - 28 How are the Philippine Islands represented in Washington?
 - 29 How and when did we acquire the Panama Canal Zone?
 - 30 Explain the financial status of the Panama Canal.
 31. How is the Panama Canal Zone governed?
 32. Why is an international highway to the Panama Canal important?
 - 33 Describe the government of the District of Columbia

PROBLEMS FOR DISCUSSION

- 1 In 1940 Delegate King of Hawaii introduced a resolution in our House of Representatives to enable Hawaii to draw up a constitution, form a State government, and be admitted into the Union on an equal footing with other States The people of Hawaii had voted more than two to one in favor of statehood

Arguments for statehood

Votes in Congress to protect itself against discriminatory legislation (For example, to favor U S farmers, Congress had limited the amount of sugar that Hawaii could ship to continental U S)

Statehood would enable the Hawaiians to choose their own governor and in time of peace to control their own militia

Statehood would make better citizens of Oriental young people by proving to them that they are being treated as equals

Arguments against statehood

The small population does not justify Hawaii having two votes in our Senate

The Orientals in Hawaii might combine and elect an Oriental governor who would be head of the militia, and he might not cooperate well with our War Department in its use of the Islands as an outpost for our defense

What other arguments can you advance for or against statehood for Hawaii? If in Congress would you vote for statehood?

2 Orientals, with minor exceptions, are excluded from Hawaii
Should Europeans be excluded?

3 Because the English language was brought to Hawaii by missionaries from the United States there is less racial prejudice there than in most places where Orientals and Occidentals mingle. What does the Bible teach regarding the brotherhood of man?

4 The latitude of Alaska is the same as that of Scandinavia, and because of this fact many say that it is possible for Alaska to attain as high a degree of development. What is your opinion?

5 Mr Ickes, former Secretary of the Interior, suggested legislation to help the transfer of surplus Puerto Rican population to South and Central America. How could this be done? Why not to the U. S. A ?

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CHAPTER XXI

THE JUDICIAL DEPARTMENT

The System of Federal Courts. — The Constitution declares that the judicial power of the United States shall be vested in one Supreme Court and in such inferior courts as Congress may from time to time ordain and establish. Congress has established, and later abolished, various inferior courts, but at present the following Federal courts exist:

Regular Courts

One Supreme Court
Ten Circuit Courts of Appeals
More than 200 District Judges
(About 100 districts)

Special Courts

One Court of Claims
One Customs Court
One Court of Customs and Patent Appeals

The Jurisdiction¹ of Federal Courts — Cases are tried by Federal courts either because of the character of the subject matter of the suit or because of the character of the parties to the suit. Depending upon the subject matter of the suit, the following cases may be tried in Federal courts (1) cases in law or equity arising under the Constitution or statutes of the United States, or treaties made under their authority, (2) cases of admiralty and maritime² jurisdiction. Depending upon the

¹ Jurisdiction means the legal right to hear and determine cases. A court is said to have jurisdiction over those cases which it has authority to try.

² For meaning of "admiralty and maritime," see U. S Constitution, Art III, Sec 2, note.

parties to the suit, the following cases may be tried in Federal courts: (1) cases affecting ambassadors, other public ministers, and consuls; (2) controversies to which the United States is a party; (3) controversies between two or more States; (4) controversies between a State and citizens of another State;¹ (5) controversies between citizens of different States; (6) controversies between a State, or citizens thereof, and foreign states, citizens, or subjects.

Regular Courts. — In order to show the proper relation of the different regular courts and how cases may be appealed from the lowest to the highest, the District Courts will be discussed first, the Circuit Courts of Appeals second, and third, the Supreme Court, which is the highest court, or the court of final jurisdiction.

The District Courts — The lowest regular Federal courts are known as District Courts. There are about 100 districts in forty-eight States, each State forming at least one district. There is at least one judge for each district, but many important districts require more than one judge.² There are more than two hundred judges in the hundred districts, and inasmuch as district court cases are usually conducted by a single judge,³ several cases can be heard at the same time where there are several judges for one district

¹ In 1793, in the case of *Chisholm vs. Georgia*, the Supreme Court construed this passage to mean that an individual may sue a State without the consent of the latter. The States had not so understood this clause, and immediately the eleventh amendment was added to the Constitution, which provides that a State may not be sued in a Federal court by citizens of another State. However, a State may still bring suit in a Federal court against a citizen of another State or against an alien.

² Originally one judge to the district was the normal arrangement, but now nearly half of the districts have more than one judge, and the Southern District of New York has thirteen.

³ When an effort is made to have a United States District Court enjoin (forbid) the enforcement of a State statute or an order of a State or Federal commission, the case is heard by three judges, at least one of whom must be a Circuit Court judge or a justice of the Supreme Court.

A District Court has original jurisdiction¹ of all cases which come under the jurisdiction of the Federal courts² except cases to which a State is a party, suits involving representatives of foreign governments, customs cases, and some claims against the United States. In most cases appeals may be taken from the decision of a District Court to a Circuit Court of Appeals, but in a few cases they may be taken directly to the Supreme Court³.

The Circuit Court of Appeals — In 1891 there were nine Circuit Courts of Appeals⁴ established, and in 1929 the number

¹ By "original jurisdiction" of a District Court is meant that a case is first brought in that court.

² The District Court has jurisdiction of (1) all civil suits brought by the United States or one of its officers authorized to sue, (2) cases arising under the Constitution, statutes, or treaties of the United States where the sum or value in controversy exceeds \$3000, (3) cases between citizens of different States, or between a citizen of a State and a foreign state or citizen thereof, where the sum or value in controversy exceeds \$3000, (4) all crimes and offenses recognized by the laws of the United States, (5) admiralty and maritime cases, (6) revenue cases, except tariff classifications which come before the Court of Customs, (7) postal cases, (8) all suits arising under the patent, copyright, and trade-mark laws, (9) suits arising under the Federal laws regulating commerce, (10) damage suits brought by an officer against a person injuring him while protecting or collecting revenues of the United States, (11) suits against consuls and vice-consuls, (12) proceedings in bankruptcy, (13) claims not exceeding \$10,000 against the United States (concurrent jurisdiction with Court of Claims), (14) immigration and contract labor cases, (15) suits against monopolies (trusts); (16) suits brought by any person to redress the deprivation of any right, privilege, or immunity secured by the Constitution or statutes of the United States. But note that if the sum or value involved in cases enumerated under (2) and (3) is less than \$3000 the action must be brought in a State court.

³ The 1925 Amendment to the Judicial Code permits appeals directly from the District Court to the Supreme Court in the following cases only.

(1) Anti-trust cases prosecuted by the United States
(2) Certain criminal cases where indictment depends upon the validity or construction of a statute, the United States may appeal

(3) Injunctions forbidding the enforcement of

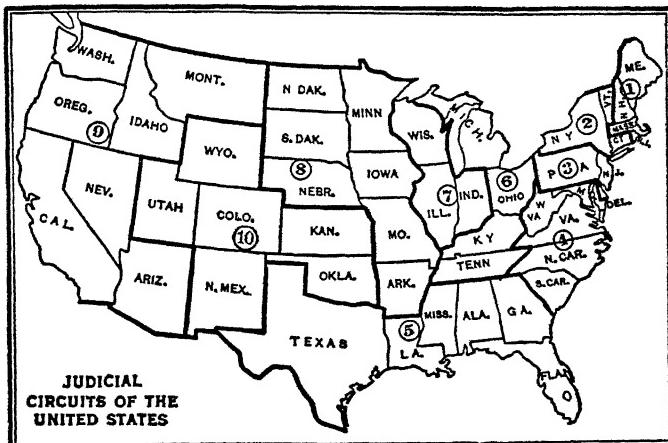
a State statutes upon the ground of unconstitutionality

b Orders of the Interstate Commerce Commission

c Provisions of 1921 Stock Yard Act by the Secretary of Agriculture.

⁴ Previous to the establishment of the Circuit Courts of Appeals there existed nine Circuit Courts, but these courts have since been abolished (1911).

was increased to ten. The reason for these courts was to relieve the Supreme Court of a large class of cases appealed from the District Courts. These cases had become too numerous for one court to hear, and as a result the Supreme Court was then about three years in arrears with its business.



In 1925 Congress greatly limited the types of cases that may come to the Supreme Court as a matter of right; and the Supreme Court now reviews only the most important cases heard by the Circuit Courts. This practice enables the Supreme Court to decide cases promptly and adds to the importance of the Circuit Courts.

The judges for each Circuit Court of Appeals include one justice of the Supreme Court assigned to the circuit, three to seven circuit judges appointed for the circuit, and all the district judges within the circuit. The Supreme Court justice super-

and their jurisdiction transferred to the District Courts and to the Court of Customs and Patent Appeals.

The First Circuit Court of Appeals comprises Rhode Island, Massachusetts, New Hampshire, Maine, and Puerto Rico. The judges hold court at least once a year at Boston.

vises his circuit (except that one supervises the 9th and 10th), but seldom finds time to sit in the court. Normally the court is held by three regular circuit judges, but a district judge may be assigned to sit on any case not appealed from his own district.

These Circuit Courts of Appeals have no original jurisdiction, but hear all cases appealed from the District Courts except the special classes of cases which may be appealed directly to the Supreme Court of the United States. These courts have final jurisdiction in some classes of cases, while in others appeals may be taken to the Supreme Court of the United States.

The Supreme Court is composed of one Chief Justice and eight associate justices. It sits from October to June. Its most important duty is to give final interpretation to the Constitution. Whenever any one whose rights are legally involved thinks a clause of the Constitution has been violated by a law of Congress, a treaty, a provision of a State constitution, or a State statute, he may raise the question in any State or Federal court from the local justice of the peace to the highest judge, and in important cases may obtain the opinion of the Supreme Court.

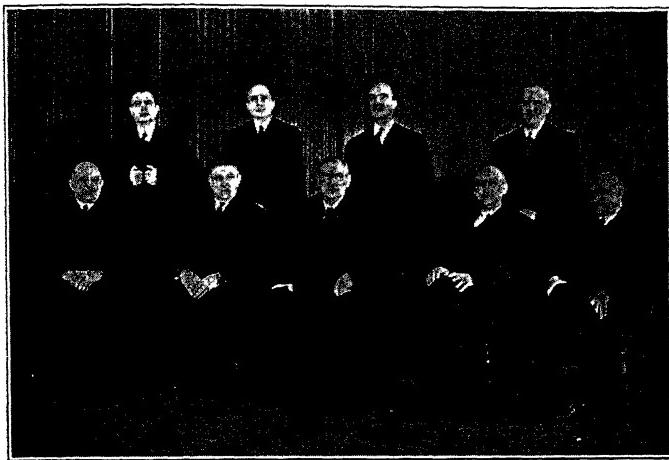
The Supreme Court has both original and appellate jurisdiction. That is, some cases are brought directly to this court while others are brought by appeal from the decisions of lower courts. In suits between States, the Supreme Court has original and exclusive¹ jurisdiction;² in suits against ambassadors and other public ministers, it has original and exclusive jurisdiction, and in suits against consuls it has original but not exclusive

¹ When a court has exclusive jurisdiction over certain suits, they cannot be brought in any other courts.

² The Supreme Court also has original and exclusive jurisdiction of suits brought by the United States or a foreign state against one of our forty-eight States, and original but not exclusive jurisdiction of suits brought by a State against citizens of another State or against aliens.

The United States District Courts have original jurisdiction of suits brought by the United States against individuals, and they have original jurisdiction concurrently with the United States Court of Claims of suits or claims against the United States up to \$10,000 in so far as the United States has consented to be sued.

jurisdiction.¹ A few types of cases may as a matter of right be appealed directly from a United States District Court, from the highest State court,² and from a Circuit Court of Appeals.³ Other cases are brought to the Supreme Court from other courts



Acme

THE SUPREME COURT OF THE UNITED STATES, 1945

Front row, left to right Associate Justices Stanley F. Reed and Owen J. Roberts, Chief Justice Harlan F. Stone, and Associate Justices Hugo L. Black and Felix Frankfurter. Chief Justice Stone died in April, 1946, and was succeeded by Fred M. Vinson.

Standing, left to right; Associate Justices Robert H. Jackson, William O. Douglas, Frank Murphy, and Wiley B. Rutledge.

Since this photograph was taken, Justice Roberts has retired and President Truman has appointed Harold H. Burton to take his place.

Justice Jackson was the American Prosecutor in the International War Crimes Court in Germany.

¹ The U. S. District Courts also have jurisdiction of suits against consuls.

The exemption of ambassadors, ministers, and consuls from suit in State courts applies only to those of foreign governments accredited to the United States. It has no application to those sent to foreign countries by us.

² Cases (a) where the highest State court declares a treaty or Federal statute unconstitutional;

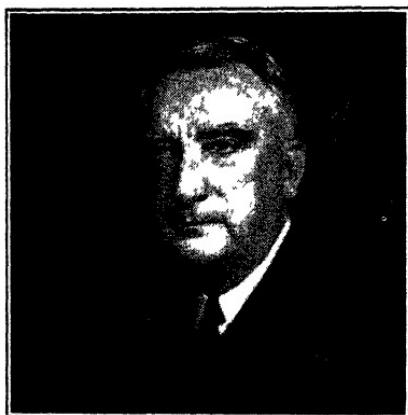
(b) where a State statute upheld by the highest State court is still claimed to be unconstitutional by the aggrieved party.

³ A person relying on a State statute may appeal from a Circuit Court of Appeals if it declares a State statute unconstitutional.

only with its consent;¹ and its consent is hard to obtain, unless the lower court has departed from the usual course of judicial proceedings or there is conflict of opinion among the judges of the various circuits on the same subject matter.

In the Supreme Court cases are decided by a majority vote.

Concurrent Jurisdiction — Congress gives Federal and State courts concurrent jurisdiction in many cases, that is, it permits



Harris & Ewing

CHIEF JUSTICE FRED M VINSON OF
THE SUPREME COURT

plaintiff² brings a suit in a State court, over which the United States District Courts are given jurisdiction, the defendant³ may have it transferred to the District Court

Special Courts. — There are three special Federal courts: the Court of Claims, the Customs Court, and the Court of Customs and Patent Appeals. The first was established as a

¹ If the party losing his case in the Circuit Court, let us say, petitions the Supreme Court for a review of his case, it will deny the review or will issue a writ of *certiorari* directing the Circuit Court to certify to the Supreme Court the record of the proceedings for inspection and review. During one term of the Supreme Court 680 petitions were submitted but only 95 were granted.

² A *plaintiff* is a person who commences a suit in law against another.

³ A *defendant* is a person accused or summoned into court who defends himself against the charge.

sort of investigating commission to advise Congress concerning claims against the United States government, and the other two were established to insure a uniform interpretation of technical tariff laws, and to hear appeals from the Board of Appeals of the Patent Office.



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THE UNITED STATES SUPREME COURT BUILDING

"Equal Justice under Law."

The Court of Claims, established in 1855, consists of five judges who sit in Washington. It is a well-established principle of public law that a sovereign state cannot be sued against its will, and before the establishment of this court a person having claims against the United States government could get no redress except by an Act of Congress.

Now the government allows itself to be sued in this court on claims, except pensions and certain "war claims," founded

upon the Constitution of the United States or any laws of Congress, such as breach of contract or using a patent without compensating the owner. Injury of person or property by Government action, as by a carelessly driven truck, is settled by Government agency if under \$1000, U. S. Dist. Court if more.

The awards of this court, unlike those of all other courts, cannot be paid until Congress appropriates the money to pay them. Upon the first day of each regular session of Congress the findings of the court for the year are sent to Congress, and the money is appropriated almost as a matter of course.

The Court of Claims may ask the Supreme Court for instructions on any definite and distinct question of law pertaining to a case, or the Supreme Court may require, by certiorari, that a cause be certified to it for review and determination.

Congress or any administrative department may refer claims to this court. The court will investigate the claims and report to Congress or to the department whether they ought to be paid. For instance, Congress will refer "war claims" which cannot be sued for in the courts; or a department will wish an opinion of the court which will enable it to settle claims in a practical way without the necessity of suit. No Federal court other than the Court of Claims will give an opinion unless suit is actually brought.

The Court of Customs is the name applied by Congress in 1926 to the former Board of General Appraisers. The nine judges, who sit in divisions at the principal ports of entry, hear appeals from appraisers and collectors of customs affecting the valuation and classification of merchandise¹.

The Court of Customs and Patent Appeals consists of five judges. Its headquarters is in Washington but many cases are heard in New York. It hears appeals from the Court of Cus-

¹ The customs officials examine enough packages chosen at random to satisfy themselves that the contents are as represented. If there is any question as to the value of the goods, they are examined by experts. If the importer considers the appraisement wrong, he may appeal to the Court of Customs.

toms, and has such questions as the following to decide: Are golf hose subject to the tariff duty imposed upon "wool half hose" or the lower duty imposed upon "equipment ordinarily used with golf balls in exercise or play"? Are ivory flowers dutiable as "artificial flowers"? Are jew's-harps dutiable as "musical instruments" or as "toys"? Are goose livers dutiable as "dressed poultry" or as "meats"? Also, does "manufactured furs" include fur skins whose holes have been sewed? This was decided affirmatively, hence the same rate had to be paid upon them as upon furs made into garments.

If an examiner of patents rejects an application for a patent, an appeal may be taken to the Board of Appeals of the Patent Office. If this board sustains the examiner in rejecting the application, an appeal may then be taken to the Court of Customs and Patent Appeals.¹

Judges. — Federal judges are nominated by the President and appointed by and with the consent of the Senate. The salaries of these judges vary from \$15,000 to \$25,500 a year, and they hold their office during good behavior,² which means that they cannot be removed except through impeachment proceedings.³ Any judge appointed to hold office during good behavior who becomes permanently unable to serve may retire on half salary.

¹ The Supreme Court may, upon the application of either party, require the Court of Customs and Patent Appeals to certify a case to it for review and determination. But in practice the Supreme Court refuses to review cases decided by the Court of Customs and Patent Appeals unless some important principle is involved.

² Judges for the District of Columbia and the territories and island possessions are appointed for only four, six, or eight years.

³ Judge Pickering of the District Court for New Hampshire was removed for drunkenness in 1803, Judge Humphreys of a Tennessee District Court, for disloyalty in 1862, Judge Archbald of the Commerce Court, for improper business relations with persons having cases in court in 1913, and Judge Ritter of the southern District Court in Florida in 1936, for bringing his court into scandal and disrepute. Four other judges have been impeached by the House but acquitted by the Senate, the most famous one of whom was Associate Justice Chase of the Supreme Court, who was accused of expressing himself too freely in regard to politics.

At the age of seventy any life tenure Federal judge may resign on full salary, provided he has served for ten years.

As all Federal courts, except the Supreme Court, are mere creations of Congress, they may be abolished by Congress at any time. In 1911 nine Circuit Courts were abolished but the judges were retained for service in the Circuit Courts of Appeals and other Federal courts.

In September of each year the Chief Justice of the Supreme Court summons the senior circuit judge of each of the ten circuits and chief justice of the D C court of appeals to Washington for an annual conference. Preparatory to this conference the district judge of each district¹ submits a report to the senior circuit judge in August setting forth the number and character of cases on the docket. The conference makes a careful survey of the condition of the business of the court and prepares for the temporary transfer of judges to circuits and districts where the condition of business indicates the greatest need. The senior circuit judge may temporarily transfer a district judge from one district to another within his circuit, and the Chief Justice of the Supreme Court may temporarily transfer a district judge to a district of another circuit.

Court Officials.—*District Attorneys* are appointed by the President and Senate for a term of four years. There is one United States attorney for each judicial district. It is the attorney's duty to bring suit against all persons violating the Federal laws within the district, and to prosecute them — in short, to represent the Federal government in any case arising within the district to which the government is a party. Some districts have a number of Assistant United States Attorneys.

In addition to these district attorneys there are numerous Special Assistants to the Attorney-General stationed over the country and assigned to special classes of cases — *e g*, anti-trust, claims against the United States, taxation, narcotics, and land titles.

¹ The senior district judge reports in districts with more than one judge.

United States Marshals are appointed in the same manner as the district attorneys, one for each district. It is the marshal's¹ duty to make arrests and execute various court orders. If he meets with resistance in the performance of his duties, he may call upon the citizens for assistance; and if necessary, the President will send United States troops to assist him.

In the appointment of district attorneys and marshals the President consults with the Attorney-General, as the latter officer exercises general supervision over them.

Clerks are appointed by the courts, each court appointing one. The clerk has custody of the seal of the court and keeps a record of its proceedings, orders, judgments, etc. Most districts have Deputy Clerks stationed in cities where the District Court is held.

District Court Commissioners are appointed in sufficient number by each district court. A commissioner issues warrants of arrest on criminal proceedings, takes bail, and determines whether the probability of guilt is sufficient to hold the accused to answer to the charge in court.²

NAME	ESTABLISHED	NUMBER OF COURTS	NUMBER OF JUDGES	TERM OF JUDGES	JUDGES APPOINTED BY	SALARY OF JUDGES
(About 100 District Court districts)	1789	Over 200	Over 200	Life	President and Senate	\$15,000
Circuit Court of Appeals	1891	10	49	"	"	17,500
Supreme Court	1789	1	9	"	"	25,000 ³
Court of Claims	1855	1	5	"	"	17,500
Customs Court	1926	1	9	"	"	15,000
Court of Customs and Patent Appeals . . .	1909 & '29	1	5	"	"	17,500

¹ A United States marshal bears the same relation to the Federal court that a sheriff bears to the State court.

² A Federal district court commissioner discharges for the United States government such functions as are performed for a State government by a justice of the peace.

³ The Chief Justice receives \$500 extra.

QUESTIONS ON THE TEXT

1. Name the regular courts of the United States. The special courts
2. The Federal courts have jurisdiction over what two classes of cases because of the character of the subject matter? Over what six classes because of the character of the parties?
- 3 How many District Judges are there and how many districts?
- 4 The District Courts have jurisdiction over what kind of cases?
- 5 To what higher courts may appeals be taken from the District Courts?
6. How many Circuit Courts of Appeals are there? Who supervises each of the circuits?
7. How many judges has each of the Circuit Courts of Appeals?
8. From what court are cases appealed to the Circuit Courts of Appeals? To what court are certain cases appealed from them?
9. Of how many judges does the Supreme Court of the United States consist? When and where does the court sit?
10. From what courts are cases appealed to the Supreme Court of the United States?
11. In what two classes of cases does the Supreme Court have original jurisdiction?
- 12 May a question involving the interpretation of the Constitution of the United States be taken to the Supreme Court?
- 13 Of how many judges does the Court of Claims consist? What cases are decided by this court? In what respect does the Court of Claims differ from all other courts?
- 14 Of how many judges does the Court of Customs and Patent Appeals consist? Where does it sit? Over what cases does it have jurisdiction?
15. Who appoints all Federal judges? For what term? How may they be removed? Under what condition may they retire on full salary?
- 16 May Congress abolish Federal courts?
- 17 What is the duty of district attorneys? By whom are they appointed?
- 18 What is the duty of the United States marshals?
- 19 What is the duty of court clerks? By whom are they appointed?
20. What are the duties of district court commissioners? By whom are they appointed?

PROBLEMS FOR DISCUSSION

1. A woman attempted to pass a fifty-dollar note at Gimbel's store in New York City, but the clerk detected something peculiar about it. The floor detective discovered it to be a twenty-dollar bill with each figure two changed to five. The woman was arrested on the charge of attempting to pass counterfeit money. She was believed to be a "shover" for a band of counterfeiters. In what court was she tried?

2. At a "port of entry" along the Canadian border frog legs were appraised as dressed poultry, there being a tariff duty on poultry but not on frogs. Naturally the importer was dissatisfied with the decision of the appraiser. In what court could he bring suit?

3. The penalty for defacing a letter box is a fine not exceeding one thousand dollars or imprisonment for not more than three years, or both. In what court would a party accused of this offense be tried?

4. If Virginia should pass a law prohibiting farm hands from working more than six hours a day, the law would probably be unconstitutional. If a sheriff or constable should arrest a farmer for violating the State law and bring him before a justice of the peace for trial, he could claim that the law is unreasonable and contrary to the Fourteenth Amendment of the Constitution of the United States. If the lower courts should decide against the contention, how high could the farmer appeal the case?

5. In 1913 the legislature of California passed the alien land bill, which provided that only those persons eligible to citizenship might own land in that State. Japan claimed that this provision violated a treaty between the United States and Japan. President Wilson suggested that Japan sue the State of California. If the treaty was violated, the California law was void, as a treaty is part of the supreme law of the land. In what court could the state of Japan bring suit?

6. When the Chicago Canal was dug, connecting Lake Michigan with the Illinois River, the sewage of Chicago was emptied into this Canal. The outlet of the Canal is through the Illinois River into the Mississippi. St Louis obtains its drinking water from the Mississippi, hence the State of Missouri sued the State of Illinois, demanding that Chicago be prohibited from polluting the accustomed supply of water of St Louis. The counsel for Illinois had several hundred barrels of harmless bacteria emptied into the stream at Chicago and found that none survived until the water reached St Louis. In what court did Missouri lose the suit?

7. The United States built a dam across a river in South Carolina to aid navigation, and thereby destroyed the value of rice lands. Mr.

Hayward, the owner, claimed damages and won the suit. In what court did he win the suit?

8 In 1938 Congress authorized innocent persons convicted in United States courts to bring suit against the United States for damages not exceeding \$5000. In what court would such a claim be brought?

9 What court of appeals decided that calf livers were dutiable as "meat" and not as "veal," and that a dollar horn is a "musical instrument" and not a "toy"?

10 President Roosevelt once said "A judge of the Supreme Court is not fitted for the position unless he is a constructive statesman, constantly keeping in mind his adherence to the principles and policies under which this nation has been built up and in accordance with which it must go on, and keeping in mind also his relations with his fellow statesmen who in other branches of the government are striving in cooperation with him to advance the ends of government. Marshall rendered invaluable service because he was a statesman of the national type, like Adams who appointed him, like Washington whose mantle fell upon him." Do you agree with Theodore Roosevelt? When the Court is interpreting the Act for minimum wages, maximum hours, and the exclusion of child-made goods from interstate commerce, is it merely explaining the words of the Constitution or is it performing the function of a statesman?

11 Just before appointing Oliver Wendell Holmes as a Supreme Court Judge, President Roosevelt said "Judge Holmes' labor decisions, which have been criticized by some of the big railroad men and other members of large corporations, constitute to my mind a strong point in Judges Holmes' favor. The ablest lawyers and greatest judges are men whose past has naturally brought them into close relationship with the wealthiest and most powerful clients, and I am glad he preserves his aloofness of mind so as to keep his broad humanity of feeling and his sympathy for the class from which he has not drawn his clients. I think it eminently desirable that our Supreme Court should show in unmistakable fashion their entire sympathy with all proper effort to secure the most favorable possible consideration for the men who most need that consideration." Why does the United States Senate feel free to refuse to ratify the appointment of judges?

12 The Supreme Court some time ago was called "The Nine Old Men." In retort, Henry Ford said: "Elderly persons are not as slow in taking up new things as young folks sometimes suppose. They are only a little more careful not to be fooled again by old fallacies that are masquerading as new truths." Is a judge who handles current problems in court daily as old at 70 as a reader of one partisan news-

paper at 40? Is it better to appoint an untried man of 35 or a tried man of 55?

13 Which of the following quotations impresses you the more favorably, having in mind the power of the Supreme Court to declare Acts of legislative bodies unconstitutional?

"Those who zealously preach the religion of the Constitution want us to do the worshiping while they take up the collection."

— Norman Thomas

"The combat between communism and fascism on the one hand, and democracy on the other, comes down to the simple question What, if any, place shall be given to the average man and woman in government? Both communism and fascism would rob them of every right, every privilege, every guarantee given them in our Constitution. The first line of defense against a dictatorial government is the Constitution of the United States." — Senator Borah

14. The Constitution has been interpreted by a Supreme Court composed of outstanding statesmen or jurists. This Court is composed of judges appointed for life with good salaries and hence they can act independently of political pressure or expediency. Congressmen, on the other hand, are human and like to be reelected and hence are tempted to vote for what the people think they want whether the Congressman considers the measures wise or unwise. Do you think our country would be better or worse off if by Constitutional amendment we denied the Court power to declare Acts of Congress unconstitutional?

15 "Democracy will survive only as long as the quick whims of the majority are held in check by the courts in favor of a dominant and lasting sense of justice. If democratic institutions are long to survive it will not be simply by maintaining majority rule and by the swift adaptation to the demands of the moment, but by the dominance of a sense of justice which will not long survive if judicial processes do not conserve it" — Charles Evans Hughes Why do you agree or disagree?

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CHAPTER XXII

CIVIL RIGHTS

History of Civil Rights (Civil Liberties). — In ancient days many of our ancestors were slaves. During the Middle Ages most Europeans were serfs. But the British Magna Carta (1215), Petition of Right (1628), Toleration Act (1689), and Bill of Rights (1689) paved the way for our United States which became known as the “land of the free.”

Rights and liberties may be lost, as evidenced in totalitarian Germany under Hitler. The price of liberty is eternal vigilance, and in this chapter we explain what our rights are so you will know what to guard.

Civil Rights Defined. — To vote and to hold office are political rights. All other rights are civil rights. An individual has the right to do anything which is not prohibited by the law of the land.

The more precious rights are listed in the Constitution of the United States and in the constitutions of the States (especially in their Bills of Rights), and these rights cannot be restricted by Congress or by State legislatures.

Civil Rights beyond the Control of Congress and the States. — The Constitution of the United States provides that neither the United States nor the States may do certain things.

(1) Neither the United States nor the States can allow slavery or involuntary servitude (Thirteenth Amendment). This means that no person is allowed to own another. It also insures a system of free and voluntary labor. For instance, in 1944 the United States Supreme Court declared unconstitutional a Florida “peonage” law enacted in 1919 under which a Negro laborer had been sent to jail for sixty days for lack of \$100 to pay a fine imposed by a State court as penalty for not working off the \$5 which his employer had advanced to him.

(2) Neither the United States nor the States may punish any person by a bill of attainder. (Art I, Secs 9 and 10.)

A *bill of attainder* is a legislative act which inflicts punishment without a judicial trial. For example, in 1865 Congress passed a law providing that no person would be permitted to appear as an attorney before the Federal courts unless he would take an oath that he had not in any way aided the Confederate cause. The Supreme Court held this to be a bill of attainder, and hence unconstitutional.

(3) Neither the United States nor the States may punish any person by an *ex post facto* law

An *ex post facto* law is a criminal law which in any way works to the disadvantage of any person committing, or accused of committing, a crime before the law is enacted. That means that a State law making it a crime to sell cigarettes cannot penalize the selling of cigarettes before the law was passed; it means that a law increasing the penalty for first-degree murder from 20 years of imprisonment to death cannot be enforced against one who committed murder before this law was passed, and it means that a law providing for conviction by a unanimous decision of a jury of eight instead of twelve cannot apply to a crime committed before the passage of the law, because this new law works to the disadvantage of the accused.

Protection under the *ex post facto* clause applies to criminal cases only, and a retroactive civil law is not forbidden by the *ex post facto* clause. For example, an income tax law enacted in November can impose a tax upon one's income for the entire year including the preceding ten months.

(4) Neither the United States nor the States may deprive any person of life, liberty,¹ or property,² without due process of law. (Fifth and Fourteenth Amendments)

¹ *Liberty* means not only the right of freedom from imprisonment, but the right of one to use his faculties in all lawful ways, and to pursue any lawful trade or diversion.

² *Property* means more than mere physical property. It includes stocks, bonds, good will, professional knowledge, and the income therefrom.

The Declaration of Independence spoke of the right to "life, liberty, and the pursuit of *happiness*." But before the Fifth and Fourteenth Amendments were added to the Constitution the country had become more conservative, so it provided constitutional protection for "life, liberty, or property."



THE DECLARATION OF INDEPENDENCE
The original is preserved in the Library
of Congress.

Double Meaning of Due Process of Law. — When one reads the phrase "due process of law" he thinks of due, or proper, procedure in courts. But the phrase has come to mean much more. After the Civil War the Fourteenth Amendment was added to the Constitution primarily to insure justice to the freed slaves. But what good could proper procedure do them if they were tried under unjust laws. So the Supreme Court construed due process to mean

not only a fair procedure but also a fair law. And if a fair law was good for the new freedman it was good for all individuals, and it was good for groups of individuals, or corporations.

So, judicially viewed, due process of law means a fair legal procedure; but legislatively viewed it means a law whose very substance is just and reasonable. Therefore we may view due process from the procedural side and from the substantive side.

From the Procedural Viewpoint the due process of law clauses forbid the taking of one's life, liberty, or property except by legal

procedure in accordance with the fundamental ideas of fairness and regularity which exist in Anglo-Saxon countries. This includes due notice and an opportunity to be heard. A procedure may be in accordance with due process of law, however, without a jury trial,¹ provided judgment is rendered only after some sort of a fair trial. If a trial is not fair, redress may be had in a higher court.

From the Substantive Viewpoint the due process clause of the Fifth Amendment protects individuals or minority groups against Acts of Congress which are unjust, and the Fourteenth Amendment protects them against Acts of States and laws of local legislative bodies if unjust. The judges of the Supreme Court will declare unconstitutional any Act appealed to them if they consider it unjust.

If one considers legislation unreasonable, he can refuse to comply with the Act and carry his contention to the Supreme Court. Thus the court becomes a third chamber above the two chambers of Congress or the State legislatures. In other words, the Supreme Court constitutes a house of censors to pass upon social and economic matters of public interest rather than mere legal technicalities. Therefore, when the President and Senate select a Supreme Court judge they should consider carefully his attitude on public problems as well as his legal knowledge.

The Fifth Amendment forbids only the National government to deprive any person of life, liberty, or property without due process of law. As Congress was rather conservative the Supreme Court had little occasion to declare Acts unconstitutional under this clause. But after the Civil War the Fourteenth Amendment made this due process clause apply to the States, and there are 48 legislatures and thousands of city councils to pass acts or ordinances which may unreasonably deprive minor-

¹ The Sixth and Seventh Amendments of the United States Constitution guarantee jury trials in most Federal cases, and State constitutions usually guarantee jury trials in State cases of importance.

ity groups of their liberty or property. For example, in Oregon Dirk De Jonge was sent to the penitentiary for seven years for making a speech in which he advocated communism for the United States. The Civil Liberties Union provided funds to carry his case to the United States Supreme Court. The court unanimously found that he had been deprived of liberty without due process of law because he had not advocated the use of force in establishing communism. A State cannot forbid speeches advocating a change in form of government by peaceful means, so the Oregon law was declared unconstitutional and De Jonge was freed.

Whenever the Supreme Court declares an act or ordinance in one State unconstitutional this decision henceforth restricts the legislatures and councils in all States. For example, when the Supreme Court declared unconstitutional the Oregon law requiring all children to attend *public schools*, it meant that no State could impose such a restriction.

Conflict of the Police Powers against the Due Process Clauses — As soon as the Supreme Court judges used the Fourteenth Amendment due process clause to make themselves censors of State legislation, the States resented it and became jealous of their powers. So the lawyers representing the States devised the "Police Powers" theory to fight the powers of the Supreme Court under the "Due Process of Law Clauses." The Police Powers theory is that any State law¹ which promotes the health, morals, safety, or welfare of the people is reasonable and constitutional, and not in conflict with the due process clauses. So to-day, whenever an Act is attacked by an individual or corporation as depriving persons of life, liberty, or property without due process of law those defending the Act try to show that it promotes health, morals, safety, or welfare. If they persuade

¹ The Federal government has police powers over the District of Columbia and territories of the United States, and to a limited extent indirectly in legislating for interstate commerce. But police powers are usually thought of as reserved powers of the States.

the Supreme Court that it properly promotes these worthy ends, the Court will declare the Act constitutional as a proper exercise of the "Police Powers"

This conflict can be illustrated by legislation dealing with intoxicating liquors. In 1887 in the case of *Mugler versus Kansas* it was decided in the U S Supreme Court that forbidding the manufacture and the sale of intoxicating liquors did not deprive brewers and distillers of their property without due process of law even if it did cause them to close up and lose the money they had invested in the business. Prohibition was declared legal as an exercise of the police power of a State, meaning the State's power to regulate the health, morals, safety, and welfare of the people. One liberty after another has been denied because legislators are inclined to consider health, morals, safety, or welfare of more importance than property, and the courts will not preserve liberties which the people do not wish to save. Liberties which obstruct the realization of social and economic reforms

To promote health States have been permitted to
forbid or restrict the sale of intoxicants and opiates;
forbid unlicensed persons to practice medicine;
quarantine communicable diseases;
require residences to be connected with sewers; and
have their officers seize food unfit for consumption.

To promote morals States have been permitted to
forbid gambling or the sale of lottery tickets;
confiscate vehicles used in violating liquor laws;
censor moving pictures, and
forbid pool rooms in certain places

To promote safety States have been permitted to
forbid the carrying of concealed weapons;
require snow to be removed from sidewalks;
require weeds to be removed from city lots; and
require liability insurance for motor vehicles

To promote welfare States have been permitted to
reasonably restrict hours of labor;
reasonably prescribe minimum wages;

restrict public utilities to reasonable profits; forbid oil and gas wells to operate in a wasteful way; and require cedar trees to be cut to protect orchards

By going through the decisions of the Supreme Court interpreting the Fifth or Fourteenth Amendment¹ we can get some idea as to whether or not the court will consider that a certain law deprives one unreasonably of life, liberty, or property, but we cannot be certain that an Act passed by Congress or a State legislature is a good, valid law until the Supreme Court of the United States has upheld the law after hearing an actual case in which the constitutionality of the law was questioned²

State Due Process Clauses. — In addition to the due process clauses of the Fifth and Fourteenth Amendments to the United

¹ Some years ago a count was made of the Supreme Court decisions interpreting the "due process clause" of the Fourteenth Amendment for a period of ten years. The court was found to have made nearly four hundred decisions interpreting this clause. Fifty of these decisions declared State laws unconstitutional. For example, a State legislature enacted a law requiring railroads to carry passengers within the State at two cents a mile. The railroads showed that they would lose money carrying passengers at this rate, and the Supreme Court declared the law unconstitutional because its enforcement would be taking property unreasonably — "without due process of law."

Among the other three hundred and fifty laws which were tested in the Supreme Court but held to be constitutional were the following (1) A Boston ordinance prohibited the holding of meetings on the Boston Common (2) Tennessee prohibited the sale of cigarettes (3) A Boston ordinance restricted the height of buildings (4) Texas compelled railroads to cut wild (Johnson) grass from their right of way (5) Massachusetts compelled people to be vaccinated

² A Federal court will not tell one whether a certain Act will be lawful. It never acts until an individual or corporation accuses another of breaking the law and brings an actual case for its decision. There are two reasons for this practice. First, a judge could not possibly foresee all of the effects of a certain legislative act. Second, when an actual case comes to court, attorneys collect the law and arguments for each side of the contention, and the judge acts somewhat as a referee. If the judge did not have these arguments collected for him, it would be necessary for him to investigate the law as well as decide it, and for this he has not the time.

However, the Supreme Courts of some States will render an "advisory opinion" upon the request of the Governor or of the State Legislature

CONFLICT BETWEEN THE DUE PROCESS CLAUSES

*Judicial Liberty under the Due Process Clauses**Legislative Restrictions under the Police Powers*

U S Supreme Court	"No person shall be deprived of life, liberty, or property without due process of law." (Amendment V Nat'l Gov't.)	The <i>Hawaiian Legislature</i> cannot compel children to complete third grade in public school before attending a foreign language school. The <i>Interstate Commerce Commission</i> cannot prescribe rates low enough to deprive a well-managed railroad of fair profits on reasonable valuation	Congress may legislate through police powers for the District of Columbia and territories, and indirectly through its power to regulate interstate commerce. But police powers are primarily reserved powers of States
	"A State Legislature cannot require all children to attend public schools; nor forbid teaching foreign languages in private schools; nor forbid Negroes to move to a block where whites live; nor fix prices at which gasoline must be sold; nor prescribe rates for public utilities so low as to make a fair profit impossible	A <i>State Legislature</i> cannot require all children to attend public schools; nor forbid teaching foreign languages in private schools; nor forbid Negroes to move to a block where whites live; nor fix prices at which gasoline must be sold; nor prescribe rates for public utilities so low as to make a fair profit impossible	State Legislatures
U S Supreme Court	"No State shall deprive any person of life, liberty, or property without due process of law." (Amendment XIV)	enact "bone dry" liquor laws; forbid carrying firearms; enact traffic restrictions; require railroads to employ "full crews"; compel children to attend school; regulate milk prices; restrict the use of property through zoning laws, and prohibit landlords, during a housing shortage, from evicting tenants or raising rents	Police Powers
		Safety Welfare	Legislatures

States Constitution, about half of the States have due process clauses in their State constitutions. So if a State law is held to be constitutional under the United States Constitution, it may still be declared unconstitutional under the due process clause of the State constitution. For example, the Workman's Compensation Law which compels employers to compensate employees injured in their employ was held by the United States Supreme Court to be constitutional according to the United States Constitution. But the Supreme Court of New York State declared the New York Workmen's Compensation Law contrary to the due process clause of the New York Constitution. Thus a law, which was considered according to due process of law in the other States, was unconstitutional in New York; and the New York Constitution had to be amended before New York could have a Workmen's Compensation Law.

Civil Rights beyond the Control of Congress. — The first ten amendments to the Constitution of the United States are known as the Bill of Rights because they contain so many guarantees of liberty that are set forth in the English Bill of Rights.¹ These amendments restrict Congress alone. This fact cannot be too strongly emphasized, because most people think that these restrictions apply to the States as well as to the United States. Congress may not take away any of the liberties set forth in these amendments, but through legislation the States may deprive their citizens of many of these liberties without violating the Constitution of the United States.

Civil Rights beyond the Control of States. — The Constitution of the United States places upon the States three important restrictions involving civil rights which it does not place upon Congress.

(1) *No State may pass any law impairing the obligation of contracts* (Art. I, Sec. 10.) This restriction means that a law enacted after a lawful contract has been made shall not affect

¹ The English Bill of Rights is an Act of Parliament enumerating various liberties guaranteed to the subjects to which King William assented in 1689.

the provisions of such contract. For example, Crowninshield of New York gave his note to Sturges of the same State on March 22, 1811. Shortly thereafter the State of New York passed a bankruptcy law¹ under which Crowninshield became a bankrupt. Paying Sturges a certain per cent of the debt, Crowninshield claimed that he was exempt from payment of the remainder. Application of this bankruptcy law of New York State to debts contracted before its passage was declared unconstitutional by the Supreme Court of the United States as impairing obligations of contract.²

(2) *No State may make anything but gold and silver coin a tender in payment of debts.* (Art. I, Sec. 10) This restriction means that no State may enact a law requiring a creditor to accept anything but gold or silver when tendered in payment of a debt.

(3) *No State may deny to any person within its jurisdiction the equal protection of its laws*³ (Fourteenth Amendment) This means that no State may enact laws which discriminate unreasonably between persons or classes of persons. For instance, Illinois could not prohibit all combinations to fix prices or restrict competition "except farmers and stock raisers." A State could not require railroads "alone" to pay court costs when defeated

¹ For meaning of "bankruptcy law" see U S Constitution, Art I, Sec 8, note.

² A charter granted by a State to a *private corporation* is a contract which cannot be materially changed by the State, unless the charter itself, a State law, or the State Constitution reserves the right to change charters.

A charter granted to a *public corporation*, such as a city, can be changed because the city is merely a subdivision of the State.

A charter, franchise, or license permitting business which adversely affects the health, morals, safety, or general welfare can be repealed, because the State cannot contract away its powers to regulate health, morals, safety, and welfare ("police powers"). For example, if a State granted a liquor license and then enacted a prohibition law, the license was construed to be legally canceled.

³ Though this *equal protection of the laws* clause is a restriction upon the States only, a law of Congress depriving persons of equal protection might be declared unconstitutional as being in conflict with the Fifth Amendment, which prohibits Congress from depriving any person of life, liberty, or property without due process of law.

in a suit. In 1914 Arizona provided that any company or individual that employs more than five persons must employ not less than 80 per cent qualified voters or native-born citizens of the United States. This law was declared unconstitutional because its enforcement would have discriminated against aliens and thus would have deprived them of the equal protection of the State's laws. (Aliens may be excluded from government service.)

Civil Rights beyond the Control of State Legislatures. — Each State constitution contains a Bill of Rights placing restrictions upon the State legislature just as the Bill of Rights in the Constitution of the United States places restrictions upon Congress. The Bills of Rights of State constitutions contain such provisions as the following: guarantee of trial by jury, religious freedom, freedom of the press, writ of habeas corpus; prohibition of excessive bail, excessive fines, cruel and unusual punishment, and the guarantee that no person shall be deprived of life, liberty, or property without due process of law.

Religious Liberty. — Congress may not make any law respecting the establishment of a religion, nor may it interfere with the freedom of religious worship. (First Amendment) The Constitution of Virginia provides that "all men are equally entitled to the free exercise of religion, according to the dictates of conscience." (Art. I, Sec. 16.) However, if any of the various denominations have special peculiar religious observances which form a part of their beliefs, they are expected to make these conform to the general laws of the land. A person may believe whatever he pleases, but he must not, in the name of religious liberty, violate a statute enacted by the representatives of the people and approved by the courts. For example, students were expelled from the University of California because for conscientious reasons they refused to drill. The U. S Supreme Court was appealed to and decided that a State does not have to require students to drill even in its "land grant" colleges; but if it does, it can reject or expel healthy students who refuse to drill. But Jehovah Witnesses cannot be required to salute the flag.

The Freedom of Speech and of the Press. — Congress can make no law abridging the freedom of speech and of the press (First Amendment), and the Constitution of Virginia provides that "any citizen may freely speak, write, and publish his sentiments on all subjects, being responsible for the use of that right" (Art I, Sec. 12).

A person has the right to speak or publish what he chooses so long as he does not violate a statute law, injure some one's reputation or business, violate public morality, or create a disturbance calculated to result in bodily injury. Officers of government and candidates for office may be criticized if the critic speaks of what he knows or believes, has only the public interest in view, and speaks without malice.

To illustrate, if John Smith is a candidate for the city treasurership, one could publish the fact that he had been a grafter during the World War. But publishing the same fact against Smith simply because one dislikes him would make such person subject to damage suit, or, if the publication results in a feud or a breach of the peace, such publication is also a crime which the State can punish, and proof that the statement is true will be no defense. If a person has lived as a good citizen for a number of years, he has a right not to have his past record made public by a person prompted by a spiteful or malicious motive.

The prohibiting of addresses in public parks or thoroughfares and of profane language in certain places is not considered an abridgment of freedom of speech. For instance, it is a Federal crime to use profane or indecent language over the radio.

The Right to Assemble and to Petition. — Congress may not prevent any peaceable assembling or any governmental petition, and a State may prevent neither a petition to the National government nor a peaceful meeting for the purpose of preparing a petition to the National government, but a State may prescribe where and when meetings may be held. To illustrate, a State could not prevent the meeting of reformers for the purpose of petitioning the National government to propose a constitutional

amendment prohibiting the use of intoxicating liquors, but if street meetings interfere with traffic, the city authorities may require the reformers to meet in halls or in the suburbs.

The freedom of petition, however, is apparently limited to requests for things lawful under espionage and sedition legislation. For instance, during World War I, "Twenty-seven South Dakota farmers were opposed to the draft and believed that an unduly high quota was exacted from their county. They petitioned various state officers, asking for a new era, a referendum on war, payment of war expenses from taxation, and repudiation of war debts. As an alternative they threatened to defeat the officers, their party, and the nation . . . The twenty-seven were sentenced to more than a year in prison" (Chafee, *Freedom of Speech*, page 64).

Picketing. — In 1937 the New York Court of Appeals, in interpreting the New York law, held that the right of a union to picket peacefully is generally conceded, but that picketing is not peaceful, and therefore not lawful, when "a large crowd gathers in mass formation," or when there is shouting or use of loudspeakers in front of a picketed place of business, or when customers are accosted, or when the entrance or the sidewalk is obstructed by pickets parading in a circle or lying on the sidewalk.¹

The Writ of Habeas Corpus. — The Constitution of the United States (Art I, Sec 9) provides that "the privilege of the writ of *habeas corpus* shall not be suspended, unless when, in cases of rebellion or invasion, the public safety may require it"² All

¹ This court also decided that when there is a controversy with a manufacturer it is legal to picket his products when they reach the retailer's hands. But the picketing here must be directed against the product itself and not against the retailer's whole business. For example it would presumably be legal for pickets to carry placards saying, "Don't buy Smith's hosiery at Jones's Department Store," but not to carry placards saying, "Jones's Department Store is unfair to labor."

² Because the public safety was endangered by some Japanese who were known to be communicating, or prepared to communicate, with enemy ships.

State constitutions have similar provisions. This writ secures to any person who claims to be unlawfully detained by a public officer or a private person the right to have an immediate preliminary hearing before a civil court that he may learn the reason for his detention. This is in marked contrast with the conditions in countries under the control of dictators. There people are frequently thrown into jail and kept there for an indefinite length of time, without any possibility of learning the reason why they are confined.

This writ applies not only to persons who are imprisoned. It has been used by a husband to secure the return of his wife who was taken home by her parents, and by a mother to recover her infant who was through mistake exchanged for the infant of another woman.

The Right of Trial by Jury. — The Constitutional guarantee of trial by jury applies only to Federal courts¹. In civil cases at common law one is entitled to a jury trial if the value in controversy exceeds \$20. In criminal prosecution one is entitled to a jury trial, and where the penalty is as much as six months' imprisonment or \$500 fine, one cannot be tried unless indicted by the grand jury.

or planes, the United States Government in 1942 moved over 150,000 people of Japanese ancestry from vital defense zones along the Pacific Coast. At least two thirds of these evacuees were United States citizens by birth in the United States. Many of these Japanese were living near airports, aeroplane factories, power lines, or were near the ocean where signaling to ships was possible. To ensure their safety from racial violence, and make sure that no disloyal Japanese would be able to carry on enemy activities, it was necessary to remove all people of Japanese ancestry from the area.

To facilitate the movement into interior sites the Wartime Civilian Control Authority was established. This agency could shift any civilian population when the Army authorities felt that it was necessary, whether the people were aliens, citizens, or just in the way of military action. The Government set up Relocation Centers where the Japanese were given food, shelter, and provided work at a low wage rate.

In time the Supreme Court unanimously decided that citizens of Japanese ancestry could not be held after their loyalty was established.

¹ See Art III, Sec 2, Cl 3, and Amendments V, VI, VII.

Jury trials apply only to those cases which were settled by juries in the colonies and in England when the Constitution was adopted. Thus they do not apply to military courts, to equity cases, such as injunctions, or to proceedings for contempt of court.

Injunction Proceedings. — An injunction is an order issued by a judge, which directs some individual or corporation to do or refrain from doing some particular act. Injunctions are either *mandatory* or *preventive*. They are mandatory when they compel a party to perform some particular duty, as, for instance, where a water company is compelled to turn on water which it has shut off without legal right. A preventive injunction is one which orders a party to desist from doing some act which he is engaged in, or proposing to do, in violation of the rights of others. For instance, if a property owner were attempting to build beyond his building line, the adjoining owners could restrain him by an injunction.

Injunctions are also classified according to the duration of the time that they are to be in effect. They may be issued for a temporary period only, or they may be permanent. Temporary injunctions are granted in order to stop a threatened injury, or to keep matters as they are until the controversy between the parties can be heard on its merits. If, after the case has been heard, the court thinks that the plaintiff is entitled to injunction, the temporary order is made permanent.

When a court of equity is asked to issue an injunction, it will first determine whether the complainant has an adequate remedy at law (such as a damage suit), and whether an irreparable injury will result if the injunction is not issued. If he has such a remedy, or if the injury will not cause irreparable damage, the injunction will be denied. If an injunction is issued and violated, the judge may fine or sentence to imprisonment the one who violates the order.

Contempt Proceedings — Every court must have the power of self-preservation. It must have the power to quell any disturbance in or near the court room. It must have power to

compel witnesses to attend and to give testimony, and to prevent their insulting the court. Every court must be able to enforce obedience outside of the court to certain writs and decrees. Therefore, to protect itself, the court has power to fine or imprison one who shows contempt for the person or the order of the court, and a judge may sentence one for contempt in most cases without trial by jury.

Injunctions in Labor Disputes — Injunctions have frequently been issued to prevent picketing during a strike, to prevent parades by the strikers, or to prevent the holding of meetings. In fact, the injunction has sometimes been so broad in its prohibitions as to make the winning of a strike practically impossible. But in 1932 Congress enacted a law restricting the Federal courts in their use of injunctions in labor disputes.

This 1932 Act forbids a Federal court to issue an injunction in a labor dispute without hearing witnesses in open court for and against the request, except when a complainant persuades the court that delay in issuing a temporary injunction will result in substantial injury to the complainant's property. Then the injunction will be issued only when the complainant files adequate security to recompense those enjoined, in case of loss, expense, or damage to the strikers caused by an erroneous issue of such order. This injunction is void after five days.

In all cases arising under this Act in which the person shall be

- charged with contempt, the accused shall have a trial by jury unless the contempt was committed in the presence of or near a court or by an officer of the court

Equality before the Law. — Our legislators and judges endeavor to make all equal before the law, though there are instances where the ideal is not easy to realize.

(1) A poor man accused of a crime cannot afford able lawyers to plead his cause most advantageously; but he does usually have a sympathetic jury.

(2) When a poor man gets a final judgment against a man of means, the judgment must be paid, whereas a judgment against

a poor man cannot be enforced unless within a limited period he acquires property In America one cannot be imprisoned for a debt honestly contracted

(3) When a fine is imposed, the rich man pays the fine — perhaps with no inconvenience, the poor man serves his time in jail. If the offense is petty, why not give the poor man credit, release him, and allow him to pay the fine by installments?

(4) A rich man may appeal to the higher courts if the lower court decides against him and thus may drag out the case until the poor man is obliged to abandon his right for lack of lawyers' fees and court fees. The demand is for speedier justice.

This is a challenge to you — rich or poor — to remove the few remaining inequalities In no other country are the inequalities so few. The rich pay high progressive income and inheritance taxes; and the poor have various social security laws, free education, equal suffrage, and can vote taxes upon the rich because they outnumber them With free education a poor boy can become a Lincoln as readily as a rich boy.

QUESTIONS ON THE TEXT

1. What are *civil* rights? What are *political* rights?
2. In what documents are the more precious civil rights preserved?
3. What three civil rights are beyond the control of Congress or the States?
 4. What is a *bill of attainder*?
 5. What is an *ex post facto* law?
6. Explain fully the meaning of "due process of law" Give one illustration of a law which would be contrary to "due process of law" because of improper procedure; because of unreasonableness How are the due process clauses and the police powers in constant conflict?
7. Will courts consider a moot point of law, or must actual cases be brought before them before they will explain the law?
8. What is a Bill of Rights? Why are the first ten amendments to the Constitution of the United States known as the Bill of Rights?
9. Do these amendments restrict State legislatures or only Congress?
10. The Second Amendment provides that the right of the people to keep and bear arms shall not be infringed Could your State legislature pass a law restricting the carrying of arms?

11. What three important civil-right restrictions are placed upon the States which are not imposed upon Congress? Illustrate.
12. State Bills of Rights commonly prohibit State legislatures from interfering with what rights of the people?
- 13 May a person *believe* whatever he pleases regarding religious matters? May he *do* what he pleases, asserting that his deeds are a part of his religion?
- 14 May one person *say* what he chooses regarding another? May he *publish* it?
15. May the right to assemble and petition be denied?
- 16 What is the privilege of the writ of *habeas corpus*? Under what conditions may it be denied?
17. Upon whom does the responsibility rest to correct before the law such inequalities as do exist?

PROBLEMS FOR DISCUSSION

- 1 If the United States Congress should impose a death penalty for smuggling narcotics into the United States, could the Act of Congress apply to smugglers who had brought the narcotics in before the Act was passed?
- 2 Explain the meaning of the following quotation of Professor Corwin: "The truth of the matter is that the modern concept of due process of law is not a legal concept at all; it comprises nothing more or less than a roving commission to judges to sink whatever legislative craft may appear to them to be, from the standpoint of vested interests, of a piratical character"
- 3 Referring to the Supreme Court, Mr. Coolidge said. "If its authority should be broken down and its powers lodged with the Congress, every minority body that may be weak in resources or unpopular in the public estimation, also nearly every race and religious belief, would find themselves practically without protection" Give illustrations of this fact.
- 4 Which of the following unconstitutional statutes interfering with liberty are in conflict with the Fifth, and which with the Fourteenth Amendment: Hawaiian statute compelling children to complete the third grade before attending a foreign-language school, Nebraska statute forbidding the teaching of foreign languages in private schools until the eighth grade is passed; Oregon statute requiring all normal children to attend *public* schools through the eighth grade.
- 5 Why could not the legislature of your State enact a law providing that no farm hand may work more than five hours a day?

6. Virginia permitted any county to vote for or against cedar trees which were responsible for cedar rust on apples. Shenandoah County voted to destroy cedar trees. The owner of a fine estate with beautiful old cedar trees in front of his house tested the constitutionality of the law; and the United States Supreme Court decided that the law did not deprive owners of cedar trees of their property without due process of law. Under what legislative power was this law upheld?

7. In England all important laws are prepared carefully and introduced to the House of Commons by the Cabinet composed of about 20 of England's great statesmen. In the United States nearly a hundred committees prepare bills for Congress and about three thousand committees prepare bills for the 48 State legislatures, and in a third of the States any group may prepare initiative measures. Thus some laws passed by Congress and many passed by the legislatures or directly by the people are badly drawn, unreasonable, or unjust. Therefore nine of our outstanding statesmen forming the Supreme Court believe it necessary for them to declare unconstitutional Acts which seem dangerous to the welfare of the country. In other words, England has legislative centralization and prevents unreasonable legislation; we have judicial centralization and veto unreasonable legislation after it has been enacted. Which method do you prefer?

8. A West Virginia statute excluding Negroes from jury service was declared unconstitutional. What provision of the Constitution was violated by this law?

9. "We have learned that it is pent-up feelings that are dangerous, whispered purposes that are revolutionary, covert follies that warp and poison the mind; that the wisest thing to do with a fool is to encourage him to hire a hall and discourse to his fellow citizens. Nothing chills folly like exposure to the air; nothing dispels folly like its publication; nothing so eases the machine as the safety valve" — Woodrow Wilson
Do you agree or disagree with Mr. Wilson? Why?

10. A California law forbade the possession of metal knuckles. One was arrested for possessing such knuckles, and claimed that the law did not apply to him because he had them before the law was passed. The case was decided against him, but what law did he think would protect him?

11. If a grown daughter is not allowed to leave home, or a sane inmate at an asylum is detained, what writ would an attorney use in petitioning a judge to release the detained person?

12. Restrictions upon speech and the press increase during wars. During the Civil War speakers and editors who criticized the government and advocated stoppage of the war were imprisoned. President

Lincoln replied to critics that he had taken an oath to support the Constitution and therefore had the right to do all things necessary to sustain the Constitution and the government founded upon it. He said, "Must I shoot a simple-minded soldier boy who deserts, while I must not touch a hair of the wily agitator who induces him to desert?"

The Espionage Act of 1917 and the Amending Sedition Act forbade speaking or printing anything that interfered with the success of our armed forces or intended to bring our military forces, flag, or form of government into contempt. These Acts were upheld by the courts, and many were imprisoned for such indirect thrusts as calling the war capitalistic, insisting that a referendum should have preceded war, and declaring conscription to be unconstitutional. Do you consider these restrictions justifiable? Give your reason for your answer.

13. Just to create excitement a man cried "Fire" in a theater. This resulted in a panic where persons were injured. In a State whose constitution provides for freedom of speech, is this party liable in a damage suit brought by the injured persons?

14. States may forbid speakers or writers to urge the overthrow of the government by force. After President McKinley's assassination in 1901, New York enacted the criminal anarchy law. In 1920 the publisher of *The Revolutionary Age* in fervent language urged industrial disturbances and the overthrow of government through mass action. He was sent to the penitentiary, and in 1925 the United States Supreme Court upheld his conviction. What rights did the dissatisfied publisher have?

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CHAPTER XXIII

POLITICAL PARTIES AND POLITICS

National Parties. — A political party is an organization of many people, united by common principles or a common policy, and having for its immediate end the control of the government through the carrying of elections and the possession of office. A political organization, like any other organization, perpetuates itself by representative men known as *committeemen*.

For each of the national parties there is a *National Committee*. This committee elects a *National chairman*, and he is the real party manager. In each State there is a *State Committee* and a *State chairman* to cooperate with the National Committee and its chairman. It is the duty of these party representatives to promote harmony, to arouse enthusiasm by speeches and literature, to arrange for the selection of party candidates for public office, to instruct the voters concerning the merits and virtues of their own principles and leaders and the mistakes of their opponents, to enlist new voters such as young people coming of age — in short, to capture the government.

An old party may have no principles differing from the opposing party, and may be said to be “looking for an issue” “A party may hold together long after its moral life is extinct

... Parties go on contending because their members have formed habits of joint action, and have contracted hatreds and prejudices, and also because the leaders find advantage in using these habits and playing on these prejudices”¹ Politics has then become “the art of obtaining money from the rich and votes from the poor on the pretext of protecting each from the other”

¹ P Orman Ray, “An Introduction to Political Parties and Practical Politics,” page 7

Importance of Political Parties — The Constitution makes no provision for political parties, but because people have different views we need organizations to unify these views and translate them into government acts. Recognizing this, our State and National governments have come to support and regulate political parties in various ways. Some valuable functions of political parties are:

1. To frame platforms.
2. To nominate candidates so that the successful one may be the choice of a large number of voters
3. To educate the voters by speeches and literature
4. To arouse interest in public issues.
5. To create a loyal spirit among the legislators which will cause them to sacrifice their individual views for the sake of a legislative program.
6. To censure the opposing party and expose its shortcomings
7. To coordinate the different branches of government

The Two-Party System — European countries have been plagued with too many political parties — racial groups, dynastic groups, economic groups, and what not. This results in unstable government, and before World War II France had a new government every nine months on the average. The many parties worked so badly in Italy and Germany that the people reacted in favor of a dictator who permitted only his one party.

On the other hand, the English speaking people have usually worked through a two-party system conservatives and liberals under different names. In the United States we call them Republicans and Democrats. At times the difference in principles of these parties is not great. In 1908 a wit remarked that the two great parties were like two bottles. Each bore a label denoting the kind of liquor it contained, but each was empty.

When one of the two major parties becomes empty of issues, it usually draws them from platforms of minor parties, or issues that pressure groups have nursed to popularity. Why form a

new party when existing ones are looking for new issues made popular by a pressure group?¹

We need two strong parties. If one party grows weak for lack of vision or leadership, there is danger that the other party will become inefficient or extravagant or otherwise abuse its power. In recognition of this fact the Canadian Parliament provides extra pay for the opposition leader

When two parties are competing, the committeemen exert themselves to bring out able candidates — especially in local elections where the offices carry little or no pay

After his defeat in 1940 Wendell Willkie, in voicing the importance of the two-party system, said: "A vital element in the balanced operation of democracy is a strong, alert, and watchful opposition. Ours must not be an opposition against — it must be an opposition for — an opposition for a strong America, a productive America. For only the productive can be strong and only the strong can be free."

Party Platforms. — A party platform is a statement of principles or policies for which the party stands. A National party platform is framed every four years by the Committee on Resolutions at the National Convention of the party. Each party platform contains a statement of its principles and policies; but if the delegates cannot agree upon specific problems, non-committal planks are adopted to avoid offending any large faction of the party. The value of a platform depends upon the party leaders and candidates who indorse it

¹The *American Labor Party*, whose activities have been confined to New York, and especially to New York City, does not nominate candidates but endorses liberal candidates nominated by other parties

The *Communist Party*, unable to elect its own candidates, dissolved as a party so Communists could support candidates of the major parties who most nearly represented the communist views, but reorganized in 1945

The *Political Action Committee* of the Congress of Industrial Organizations (PAC of CIO) and the *Committee for Constitutional Government Inc* are not political parties, but their members support the candidates of other parties whose views coincide with theirs.

**DEMOCRATIC 1944 PLATFORM REPUBLICAN
FEDERALISM VERSUS LOCAL SELF-GOVERNMENT**

Strong Federal Government	Avoid further centralization
Federal aid to education under State administration.	Only State regulation of insurance

GOVERNMENT ENTERPRISE VERSUS PRIVATE BUSINESS

Competitive private enterprise free from monopolies and cartels.	Take government out of competition with private industry.
Public hydro-electric power	Economically sound public works
Rural electrification.	Sound extension of rural elec.
Conservation and reclamation.	Conservation and reclamation.

GOVERNMENT REGULATION

Ensured a share-and-share alike distribution of foods, etc	Terminate rationing and price fixing
Guarantee fair prices to farmers	Less regulation of business
	Make farm income comparable with that of labor and industry.

GOVERNMENT FINANCE

Tariff Reciprocity	Abolishment of unnecessary agencies.
	Tax reduction as soon as war ends.
	Fair protective tariff

LABOR

Guarantee full employment	Free labor
Use powers of government to provide employment in industries	Place all labor activities under Secretary of Labor, who should be a representative of labor.

SOCIAL SECURITY

Continuance of social security.	Extension to classes not covered
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FOREIGN POLICY

International organization of all peace-loving states with power to employ armed forces	Co-operative organization among sovereign states, with consent of two thirds of senate
Hold powerful allies that we have gained	Opposed to World State.
International court.	International court
Good Neighbor Policy.	Good Neighbor Policy in Latin America without squandering our funds.
Atlantic Charter and Four Freedoms.	Loans to liberated countries.

Platforms of Minor Parties. — *The Socialist Party Platform* of 1944 claims that poverty and joblessness cannot be conquered by private capitalism falsely called "free enterprise" It advocates a sharply graduated inheritance tax and a progressive capital levy tax to aid socialization and government ownership It favors a world federation, the immigration of all Asiatics on the quota basis, and the repeal of all racial discrimination laws. Norman Thomas was the presidential nominee.

The National Prohibition Party nominated Claude Watson for 1944. It not only opposed liquor, but had planks on economic and other issues, and stressed the need of spiritual awakening.

The Communist Party dissolved as a party in 1944 and supported Mr Roosevelt, but in 1945 it repudiated Earl Browder and reorganized as a political party

The American Labor Party of New York supported Roosevelt

The National Convention. — In the early summer of every fourth year each party holds a convention for the purpose of formulating its principles and policies into a party platform and for nominating candidates for President and Vice-President In December or January preceding a presidential election the National Committee of each of the National parties meets in Washington and decides upon the time and place to hold the convention.¹ When this is determined, the committee sends a call for the National Convention to each State committee, naming the time, place, and number of delegates to which each State and Territory is entitled The Democratic Party assigns to each State twice as many delegates as it has senators and representatives in Congress (In 1944 each State that went Democratic in 1940 was given a bonus of two extra²) Each State

¹The convention must be held in a city with railroad facilities, hotel accommodations, and auditorium space In 1944 both the Democratic and the Republican Conventions were held in Chicago

²The Republican Party assigns each State two delegates for each U S. senator, or representative if elected at large, one from each congressional district that cast 1000 votes for a Republican candidate in the last national election, and two if 10,000 Republican votes were cast, plus a bonus of

is assigned as many alternates as it has delegates, and these serve in the absence of the delegates.

When the call from the National Committee is received, the respective State committees see that their party delegates are



A NATIONAL CONVENTION

Truman's name was enthusiastically received when he was finally chosen Democratic vice-presidential candidate at Chicago in 1944.

duly elected for the National Convention. In about half the States the delegates are elected by direct primary elections, while in the other States they are chosen in district or State conventions — the delegates-at-large, of course, being chosen at State conventions. The conventions or primary elections that

three to each State that voted Republican in the last presidential election or subsequently elected a Republican U S senator

Each party assigns delegates to the District of Columbia, Alaska, Hawaii, and Puerto Rico, though these areas do not have presidential electors. In 1944 the total number of delegates in the Democratic Convention was 1176; and the number in the Republican Convention was 1057.

choose these delegates frequently "instruct" them to support a certain candidate for the presidential nomination and to urge that certain policies be included in the party platform.

In the large auditorium decorated with flags, bunting, and pictures of candidates and dead statesmen, the convention is called to order by the chairman of the National Committee. After the secretary reads the official call for the convention and prayer is offered, the National chairman names the temporary chairman and other officers whom the National Committee has nominated. Unless there is a factional fight, as there was in 1912 in both parties, these nominees are immediately elected by the convention. The temporary chairman is escorted to the chair and makes a lengthy speech in which he assails the record of the opposite party, eulogizes his own party, and pleads for harmony.

The Committees. — Four committees are now formed: (1) Committee on Permanent Organization; (2) Committee on Credentials; (3) Committee on Rules and Order of Business; and (4) Committee on Platform and Resolutions. Each State is entitled to one member on each committee. As the roll of the States is called, the chairman of each State delegation announces the members whom the delegation has chosen to represent that State on the respective committees. After these committees are named the first session generally ends.

The second session of the convention is usually devoted to receiving the reports of the committees. The Committee on Rules and Order of Business usually recommends the adoption of the rules of the preceding National Convention and of the House of Representatives so far as they are applicable, and recommends a program, or order of business, for the existing convention.

The Committee on Credentials recommends what delegates shall be seated when there is a split in the party and two sets of delegates claim to be the proper delegates.

The Committee on Permanent Organization nominates a permanent chairman and other permanent officers. When elected,

the permanent chairman is escorted to the chair and delivers a long speech outlining the issues of the campaign



CHAIRMAN MARTIN AND EX-PRESIDENT HOOVER AT THE REPUBLICAN CONVENTION, 1944 GOVERNOR DEWEY WAS NOMINATED.

Next, the Committee on Platform and Resolutions presents a platform of which a preliminary draft has been prepared by a party leader before the meeting of the convention. In com-

mittee a struggle may develop over the wording of the platform, and the debate may be continued on the floor of the convention.

The next duty of the convention is to nominate the President. The Secretary calls the roll of States alphabetically, beginning with Alabama; and as a State is called, its delegates have a right to propose candidates for nomination by long eulogistic speeches. Any number of delegates may second a nomination by similar speeches. After all candidates are placed in nomination, the balloting begins. The secretary again calls the roll of the States, and the chairman of each delegation announces the votes for the entire delegation.¹ The candidate who first receives a majority of all the delegates is nominated.

The Vice-President is then nominated in the same manner as the President has been nominated.

Notification of Candidates. — Having nominated the candidates, the convention authorizes its chairman to appoint two special committees, consisting of a representative from each State, to notify the candidates. The committees meet the candidates at their homes, or where large audiences can assemble, and each candidate delivers a "speech of acceptance."

In 1932 Franklin Roosevelt departed from this practice by going to Chicago in an airplane and delivering his speech of acceptance to the delegates of the Democratic Convention.

Party Machinery.² — Between the nomination of candidates and election day a political campaign must be waged, and for this purpose party organizations are necessary. Party ma-

¹ Until 1912 the Democratic Party used what was known as the "Unit Rule," by which all the votes of a State went to the same candidate, but the 1912 Convention modified the rule by providing that the unit rule should not be enforced for the delegations from States whose laws provide for the nomination and election of delegates to the National Convention in congressional districts. In the 1932 Democratic Convention delegates from nearly all the States voted as individuals as freely as in the Republican Convention.

² The party machinery described in this section applies to both the Democratic and the Republican parties. That of other parties is very similar. .

achinery in the form of a National Committee, National subcommittees, congressional campaign committees, State committees, and local committees is necessary for each party.

The National Committees of the Democratic and Republican parties consist of one man and one woman from each State and territory. In some States the committeemen are chosen by the direct primary method, in some by a State convention, while in others they are chosen by the State delegation at the national convention. At the head of the National Committee is the National *chairman*,¹ nominally chosen by the National Committee, but really selected with the advice of the presidential candidate. He is the campaign manager, "the head master of the machine." For convenience and efficiency the National Committee is divided into subcommittees, such as an executive committee, a finance committee, a committee in charge of the bureau of speakers, a committee in charge of literary and press matters, and a committee in charge of distributing public documents.

The Congressional Campaign Committees are organized both in the House and in the Senate. In the House the Republican Committee consists of one representative from every State



¹ Second in importance only to the National chairman is the National secretary, who is director at headquarters. He is more familiar with the details of the campaign than the chairman, who determines the policy.

having party representation in Congress, and each delegation selects its own representative. The Democratic Committee includes one representative from each State, and in addition a woman from each State in which the Democratic party has a representative in Congress. States not represented in Congress by a Democrat have a committeeman chosen for them by the committee. This makes a Republican Committee in the House of about thirty-five and a Democratic Committee of about one hundred. The Senatorial Committee of each party consists of seven members, who are appointed by the senatorial leader of the party. This committee has no connection with the other party committees but works in harmony and cooperation with them.

The State Committees vary in composition and powers from State to State. In number they vary from a few to more than a hundred members, and serve terms varying from one to four years. Except in those States where the State convention system has been abolished, the committeemen are selected at the State conventions. In some States the unit of representation is the congressional district, in others the county. Subordinate to State committees are various local committees.

Party Finance. — *Source of Funds* — Unlike many European parties, major American parties do not collect dues from their members. Here party officials and candidates are expected to dig into their pockets. Persons of means may contribute because of devotion to the principles or candidates of a party. But most of it comes from people who have business interests at stake: those who get protective tariff or other favors from the government, those who want restrictions removed, and people of wealth who want lower taxes.

In 1936 the Democrats raised substantial funds by (1) selling \$1 tickets to the program of acceptance speeches all over the country, (2) \$5 and \$50 plates to Jackson Day dinners, (3) admissions to Jefferson Day dances, and (4) convention books bearing Franklin Roosevelt's signature, which sold to business firms for as much as \$10,000.

Records of Expenditures — Since 1910 the amounts of national campaign contributions and expenditures of the various parties have been filed with the Clerk of the House of Representatives.

Since 1940 the National Committees have been restricted to \$3,000,000 each, and individual contributions to \$5000, but these restrictions have been evaded by contributions to State and local committees, and by direct support of candidates by individuals and non-party organizations, such as the Political Action Committee of the C I O

In 1944 hundreds of committees besides the National and State committees raised political funds. The C.I.O. Political Action Committee, the United Republican Finance Committee for Metropolitan New York, and the Republican Finance Committee of Pennsylvania each raised more than a million dollars. Committees supporting the Democratic National ticket raised \$8,384,746; and those supporting the Republican ticket \$14,601,834.

Restrictions on Corporations — Laws enacted by Congress prohibit contributions by any corporation to any campaign fund used to aid in the election of the President, Vice-President, a representative, or a senator. National banks and other corporations organized by authority of any law of Congress are forbidden to contribute to any campaign fund¹

Restrictions on Congressmen — By the 1925 Corrupt Practices Act amending former acts, a candidate for representative in Congress may not expend more than \$2500, and a senator not more than \$10,000² towards his election, or an amount equal to the amount obtained by multiplying three cents by the total

¹ Besides this Federal law prohibiting corporations from contributing, many States prohibit corporations from contributing to State and local elections. The different States have various laws limiting the amount of money a candidate may spend and also specifying for what purposes he may spend it.

² Postage and a few items such as those which members of Congress obtain free are not included in these limits

POLITICAL PARTIES IN THE UNITED STATES

State Rights

Centralization

		UNANIMOUS Geo. Washington	
1789		REPUBLICAN	FEDERALISTS
1793			John Adams
1797			
1801		Thomas Jefferson	
1805		Thomas Jefferson	
1809		James Madison	
1813		James Madison	
1817		James Monroe	
1821		ERA OF GOOD FEELING James Monroe	
1825	INDEPENDENTS	DEM. REP.	NAT. REP. John Q Adams
1829		Andrew Jackson	
1833		DEMOCRATS Andrew Jackson	ANTI-MASON
1837		Martin Van Buren	
1841			Wm H Harrison John Tyler
1845		James K Polk	
1849			Zachary Taylor Millard Fillmore
1853		Franklin Pierce	
1857		James Buchanan	AMERICANS
1861	SOUTHERN DEMOCRATS	NORTHERN DEMOCRATS	UNIONS
1865		DEMOCRATS	
1869			
1873			LIBERALS
1877	GREENBACKS		PROHIBITION
1881			
1885		Grover Cleveland	
1889	LABOR		
1893		Grover Cleveland	
1897			NATIONAL DEMOCRATS
1901			
1905			William McKinley
1909			William McKinley Theodore Roosevelt
1913		Woodrow Wilson	Theodore Roosevelt William H Taft
1917		Woodrow Wilson	
1921	SOCIALIST	RED	PROGRESSIVES
1925		COMMUNIST	
1929		LABOR	
1933		UNION	
1937		Franklin D Roosevelt	
1941		Franklin D Roosevelt	
1945		Franklin D Roosevelt Harry S Truman	
			REGULAR REPUBLICANS
			PROGRESSIVE REPUBLICANS
			REPUBLICANS
			Warren G Harding Calvin Coolidge
			Calvin Coolidge
			Herbert Hoover

number of votes cast at the last general election for all candidates for the office which the candidate seeks, but in no event exceeding \$25,000 if a candidate for senator, or \$5000 if a candidate for representative¹. He must report the receipts and expenditures for his campaign to the Secretary of the Senate or Clerk of the House within thirty days after an election.

The treasurer of a political committee, or an individual expending \$50 or more in two or more states, must file a detailed report with the Clerk of the House annually, quarterly, ten days, and five days before a general election.

Restrictions on Intimidation. — Under the 1939 Act, amended in 1940, it is unlawful in the election of the President, Vice-President, or Congressman, for any Federal, State, or local administrative official financed wholly or in part by United States funds to offer government work as a reward, or dismissal as a penalty, for a vote or for political activity; or to receive political contributions from persons on relief or on work relief, or to use their authority to affect Federal elections.

Restrictions on Activity in Political Campaigns. — The officials mentioned in the preceding paragraph (except elective State or local officers) and most Federal Civil Service

¹ In 1921 in the Newberry case the Supreme Court of the United States declared that this Corrupt Practices Act did not apply to direct primaries because it did not consider primaries and conventions *elections* over which Congress has certain control. (In 1941 the Supreme Court reversed itself and brought direct primaries for the nomination of Federal officers under National control. See note on page 441.)

Friends of Mr Truman Newberry lavishly but not fraudulently spent about \$195,000 in behalf of his election in his primary and election contests in Michigan. Mr Newberry was indicted under a Federal Act, but as that part of the Act under which he was indicted was declared void he was allowed to take his seat in the Senate.

However, the Senate resolved "that the expenditure of such excessive sums in behalf of a candidate, either with or without his knowledge and consent, being contrary to sound public policy, harmful to the honor and dignity of the Senate, and dangerous to the perpetuity of a free government, such excessive expenditures are hereby severely condemned and disapproved."

employees are forbidden to take an active part in political campaigns. The U S Civil Service Commission tries to enforce the restrictions listed here and in the preceding paragraph

Restrictions on Contributions to and Expenditures of Campaign Funds. — No person or firm entering into a contract with any agency of the Federal Government shall make or promise a contribution to a political party or candidate, nor shall any one knowingly solicit such funds

It is illegal for any individual to contribute more than \$5000 towards a Federal election during a campaign or within a year.

No political committee shall receive contributions aggregating more than \$3,000,000 or make expenditures aggregating more than \$3,000,000, during any calendar year

Bribery, including gifts to influence voters, is illegal according to the laws of all States

Newspapers and Other Periodicals must insert the word "Advertisement" at the end of political matter for which pay is received

Circulars, and the like, concerning Presidential, Vice Presidential, or Congressional candidates must be signed

QUESTIONS ON THE TEXT

- 1 What is a political party?
- 2 What is the National Committee? Of whom is it composed?
- 3 How is the National Chairman chosen? What is his position?
- 4 A new party must emphasize principles to attract converts.
What holds together an old party?
- 5 Why are political parties useful to a democratic government?
- 6 Is it better to have one, two, or a number of parties?
- 7 What is a political platform?
- 8 What is meant by a plank of a party platform?
- 9 What was advocated in the latest Republican platform? The Democratic platform? The Socialist platform? Discuss the different planks
- 10 Describe a National Convention When does it meet? Who, and what considerations, determine where it will meet?
11. What is accomplished by a National Convention?

12. How many votes of a convention are necessary to nominate a candidate?
13. How are vice-presidential candidates nominated?
14. Describe party machinery and the methods of conducting a campaign
15. What are the Congressional Campaign Committees?
16. Describe the political organization within a State
17. Explain how funds are raised for campaign expenses
18. Explain the following restrictions pertaining to political campaigns (1) On corporations, (2) congressmen; (3) intimidation; (4) active part by government officials; (5) contributions and expenditures; (6) bribery; (7) newspapers and periodicals.

PROBLEMS FOR DISCUSSION

1 Is your State a one-party State? Would government be more efficient if there were two parties of about equal strength?

2. Political parties now function by counting heads. But when they originated in England they gained ascendancy by breaking heads — or cutting off those of the leaders. In Canada to-day the leader of the opposition party is paid. When your companions point out your faults in dress, language, and conduct, do you want to break their heads or compensate them for their interest in your welfare? In other words, does your mind act like that of a primitive man or like that of a modern man of thought?

3 Frank Notch said. "As girls would prepare not for the married state but for the catching of a husband, so the politician must prepare not for his office but for the capturing of it" Is the first part of this comparison a compliment to young men? Is the second part a compliment to voters?

4 Some one has said. "Every political party rests upon a foundation of fools" In other words it must have a substructure firmly built on men and women who unthinkingly vote with the party no matter what the issues may be Is this true in your community?

5. Which of the following political proposals do you consider to be of most importance? (1) Pay the cost of political campaigns from government funds; (2) make party organizations illegal, (3) encourage a third party; (4) compel citizens to vote; (5) elect only a few officers at one time, and make the ballot short by appointing officers other than those who make the laws; (6) forbid the use of money in political campaigns; or (7) do away with the spoils system.

6. If you were seeking nomination for office, would you rather have the convention system or the direct primary system? Give your reason.

7. If one intends to take an active part in politics, should he join a party? If he does not intend to take an active part but is interested, should he join a party? Should he join a party if he is a preacher; if he is superintendent or principal of a school?

8. Why did manufacturers contribute more to the Republican Party than to the Democratic Party? Why did bankers contribute more to the Republican Party? Why did professional people and labor unions contribute more to the Democratic Party?

9. In 1937 a stockholder of Swift & Co sued its directors, asking that they be compelled to return \$3000 to the Swift treasury because with corporation funds they had purchased \$3000 worth of Democratic national campaign books (convention books — some of which were autographed by President Roosevelt). The stockholder claimed that this was really a gift in violation of the Corrupt Practices Act. What do you think? Corporations also paid large sums to advertise in these books.

10. Both parties emerged from the 1936 campaign "in the red" — the Democrats with a net deficit of \$445,250 and the Republicans with one of \$915,314. By 1938 both parties were "out of the red." The Democrats raised over \$400,000 from one Jackson Day dinner — at \$100 a plate in Washington, but at less cost in other parts of the country. The Republicans raised theirs by contributions. Why was so much money obtainable by the two parties in their respective ways?

11. The 1944 Republican Platform favors a Constitutional amendment restricting the presidency to two terms. Discuss the proposal.

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CHAPTER XXIV

SUFFRAGE

Suffrage and Citizenship Distinguished. — The word *suffrage* comes from the Latin word *suffragium*, and means *a vote*. Suffrage, then, is simply the privilege of voting at elections. *Citizenship* means *membership* in a State. “All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside”¹ Infants born in the United States are citizens and are entitled to the privileges of citizens at home and abroad, but they cannot vote

Suffrage Determined by Each State. — So long as a State maintains a republican form of government² it may determine what persons are to enjoy the political privilege of voting at both its own and national elections, with two exceptions: (1) that the same persons must be allowed to vote for United States senators and representatives that vote for members of the more numerous branch of the State legislature, and (2) that no person may be deprived of suffrage because of race, color, previous condition of servitude, or sex³

¹ United States Constitution, Amendment XIV.

² A republican form of government is a representative government, or one in which the people elect their lawmakers and other public officers directly or indirectly

³ The fourteenth amendment to the Constitution of the United States (Sec 2) provides that any State which denies male citizens twenty-one years of age the privilege of voting, except for crime, shall have its representation in Congress reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State. This provision has never been enforced, but after each decennial census when a reapportionment of representatives is being made, some Congressman calls attention to the provision

The States commonly permit the same voters to participate in all elections. To-day there are two restrictions on suffrage, or the right to vote, which apply to normal persons in every State and three additional ones in some States

(1) *Citizenship* — In no State may a person vote who is not a citizen of the United States (States could allow aliens to vote if they chose to do so.)

(2) *Residence* — In no State may a person vote who has not resided in the State for a period prescribed by law (3 mo -2 yrs).

(3) *Age* — One must be 21 to vote in general elections in all States but Georgia (and S. C. Dem primary) where the age is 18.

(4) *Education*. — In nearly one half of the States a person may not vote who cannot read or write

(5) *Taxation* — In a few of the States a person may not vote who has not paid his poll tax

Such abnormal persons as idiots or the insane, paupers permanently supported at public expense, and those guilty of certain crimes are, in nearly all states, denied the right to vote

Suffrage Restrictions as to Age. — In none of the States except Georgia may a person vote who is less than twenty-one years of age Twenty-one years of age has no special significance We have simply followed the English law which prescribed that age. In conservative pre-war Belgium the voting age was twenty-five, in Russia, eighteen

“Old men for counsel and young men for war” is an old proverb It means that those with experience should govern and the young with physical vigor should provide defense With this theory we have had an older requirement for voting than for going to war.

Inasmuch as knowledge in certain fields is better preparation for voting than experience in other fields, the right to vote might be based on formal education as well as on experience So why not allow youth to vote when they have completed prescribed courses in history, government, and social problems? Most youth, who complete high school, graduate at the age of

eighteen, and the voting privilege extended to youth of eighteen who have completed these courses would be an incentive to qualify for intelligent voting throughout life

Suffrage Restrictions as to Citizenship. — Suffrage is now restricted to citizens of the United States in all the States

Suffrage Restriction as to Residence. — When a citizen of the United States moves from one State to another, he is required to reside in the latter State for a period prescribed by the law of that State, varying from three months in Maine to two years in some of the Southern States,¹ before he can vote there. If a citizen moves from one part of his State to another part, he must, in most States reside there for a brief period before he can vote.

Suffrage Restrictions as to Sex Removed. — Until the nineteenth amendment to the Constitution was ratified, States were allowed to grant suffrage to women or to withhold it. When the nineteenth amendment extended suffrage to all the States, full suffrage was already enjoyed by the women of fifteen States.

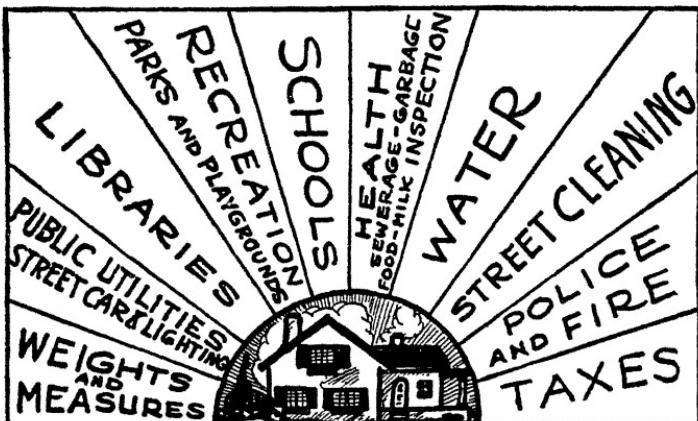
Arguments in Favor of Woman Suffrage. — The following arguments are advanced in favor of woman suffrage

(1) *Women need the ballot because of new industrial conditions.* The discovery of steam power and electricity and the invention of machinery have shifted the production of most articles of food and clothing from the home to the factory, hence women are forced to work in factories, stores, and offices. Woman's new experiences prepare her to use the ballot, because she sees whether shops are unsanitary, whether occupations are dangerous, or whether foods are adulterated. Those who suffer from evils should have the power of the ballot as a means of remedy.

¹ In Idaho, Indiana, Iowa, Kansas, Michigan, Minnesota, Nebraska, Nevada, New Hampshire, and Oregon a residence of six months is required, in Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Kentucky, Maryland, Massachusetts, Missouri, Montana, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, and Wyoming, one year, and in Alabama, Louisiana, Mississippi, Rhode Island, and South Carolina, two years.

(2) *Suffrage promotes patriotism.* In Latin America where few vote, a bloody revolution is necessary to remove officials, but in the United States, where suffrage is extensive, we may have a peaceful revolution at every election.

(3) *When women are given the ballot, they take more interest in civic duties than in idle pastimes.* The best way to make people



WHY THE HOUSEWIFE SHOULD VOTE

feel their responsibilities to the state is to assign them duties
We learn to do by doing

(4) *More girls than boys are in high school and in normal times about the same number of each are in college*

(5) *Persons who train citizens should understand the political duties of citizens.* Most of our children are taught by women — whether at home or in school

(6) *The most dignified way for women to influence legislation is by the secret ballot* Without equal suffrage a woman who works for legislative reforms had to go to the legislative halls and impress her views upon the legislators by "lobbying."

Every Right Implies a Duty. — Some women did not desire the right of suffrage, but inasmuch as suffrage has become the right of both good and bad, it becomes the duty of a good woman

to cancel the vote of a bad woman or of an intelligent woman to cancel the vote of an ignorant woman

Every woman owes to her country her assistance in making its laws as perfect as possible To aid in the fight for good laws, the ballot is given her. For an intelligent woman to refuse to use her ballot is as sinful as the Biblical character who buried his talent.

Woman has always had much influence, but now she has influence plus power. Will any self-respecting woman fail to use this power to keep the nation's record untarnished and to make its future more glorious?

Will any mother vote for legislators who permit her children to work unnecessarily long hours? Will she vote for health officers who are incapable of protecting the health of the home? Will she vote for police officers who put dollars above moral considerations? Or will she elect school officials who educate clever rogues? Will she help to elect a police judge who will not enforce the law against those who are corrupting the morals of the youth?

In short, will any true mother fail to appreciate the saying of Frances Willard, "We need the mother heart in legislation."

Educational Restrictions on Suffrage. — Some sort of educational test is now required in nearly one half of the States.¹ In



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A MEMORIAL STATUE TO SUFFRAGE
PIONEERS

This statue was erected in the Capitol at Washington in 1913. The women represented are Susan B. Anthony (center), Elizabeth Cady Stanton (left), and Lucretia Mott (right)

¹ The following States have the educational test in some form Connecticut (1855 and 1897), Massachusetts (1857), Wyoming (1889), Mississippi (1890), Maine (1891), California (1894), South Carolina (1895), Washington (1896), Delaware (1897), Louisiana (1898), Alabama (1901), Virginia (1902), North Carolina (1902), New Hampshire (1903), Georgia (1908), Oklahoma (1910), Arizona (1913), North Dakota (1896), New York (1922), and Oregon (1924).

some it is merely ability to read, in others, to read and write; and in still others, to read, write, and understand a passage from the Constitution. The first educational test was adopted by Connecticut in 1855 during the "Know Nothing" agitation against foreign immigrants. Massachusetts followed in 1857, Wyoming in 1889, and Maine in 1891. Since that date most of the Southern States have adopted educational tests, and some include understanding clauses¹. The "grandfather clauses" which were inserted in the constitutions of most of the Southern States have been abolished².

New York State Regents Literacy Test — In 1921 an amendment was added to the New York State Constitution which reads: "After January 1, 1922, no person shall become entitled to vote . . . unless such person is . . . able, except for physical disability, to read and write English, and suitable laws shall be passed by the legislature to enforce this provision."

In 1922 the legislature left the administration of this literacy test to the election officials; and in New York, as in other States, the election officials did not administer it impartially. In some districts the law was not enforced at all.

In 1923 the legislature gave the power of determining literacy for voting to the State Board of Regents (State board of educa-

¹ The Virginia educational test is as follows. Every person, unless physically unable, "makes application to register in his own handwriting, without aid, suggestions, or memorandum, in the presence of the registration officers, stating thereon his name, age, date and place of birth, residence, and occupation at the time and for one year next preceding, and whether he has previously voted, and, if so, the State, county, and precinct in which he voted last, and . . . answers on oath any and all questions affecting his qualifications as an elector, submitted to him by the officers of registration, which questions and his answers thereto, shall be reduced to writing, certified by the said officers, and preserved as a part of their official records." This registration is permanent so long as the person registered remains in the same precinct.

² These clauses provided that persons who voted before the Civil War and their male descendants may vote without taking the educational tests. These exceptions, however, were all abolished by 1915 when the last, that of Oklahoma, was declared to be in conflict with Amendment XV of the Constitution of the United States.

tion), and since then the law has been administered with unusual success.

Under the Law of 1923 a new voter might present to the registration officials as evidence of literacy either a diploma showing that he has completed the eighth grade or its equivalent, or he might present a certificate of literacy issued under the rules of the Board of Regents. The Board of Regents has examinations prepared by educational psychologists and given through school superintendents. The following examination is typical:

NEW YORK STATE REGENTS LITERACY TEST

Read this and then write the answers. Read it as many times as you need to.

"Mary had been waiting for the Fourth of July. It was on this day that her father and mother were going to take her to the park. Because it was a holiday her father did not have to work. Mary had learned in school why we celebrate the Fourth of July. The Declaration of Independence was adopted on July 4, 1776. It was written by Thomas Jefferson. It is called the Declaration of Independence because it declared the thirteen American colonies free from England. The Fourth of July is celebrated as a national holiday by all of the forty-eight states."

(The answers to the following questions are to be taken from the above paragraph)

1. For what day had Mary been waiting?
2. Where were her father and mother going to take her?
3. Why did Mary's father not have to work?
4. Where had Mary learned why we celebrate the Fourth of July?
5. When was the Declaration of Independence signed?
6. Who wrote the Declaration of Independence?
7. From what country did the Declaration of Independence declare the thirteen American colonies free?
8. How many states celebrate the Fourth of July as a national holiday?

During the first six years about 500,000 took these tests, and about 15 per cent of them failed the first time. The requirement of reading and writing as a prerequisite to voting has greatly stimulated interest in night schools.

Tax Restrictions on Suffrage.—In a number of Southern States suffrage is restricted to those who have paid a small annual poll tax. This tax varies from one to two dollars

For instance, in Virginia one cannot vote unless he has personally paid his \$1.50 poll tax six months previous to the regular election. Moreover, this tax must be paid for the past three years. That is, if one fails to pay this tax for three years, he must pay \$4.50 six months before the regular election. The voter is required to pay this tax six months before the election so that the candidates for office will not have been nominated. Thus the politicians are not so likely to give voters money with which to pay this tax. The payment of this tax as a prerequisite to voting is strictly enforced

A poll tax is not very just because the poor man must pay as much as the millionaire. In the South its purpose was to discourage from voting the Negroes who had passed the educational test. In practice it keeps a great many whites from voting, some worthy and many worthless ones

QUESTIONS ON THE TEXT

- 1 What is meant by the word *suffrage*? By the word *citizenship*?
- 2 Is suffrage determined by the United States or by the States?
- 3 May a Chinese woman born in the United States vote for presidential electors? (Amendment XIV, Sec 1, Amendment XV)
- 4 What three restrictions does every State place upon suffrage? What additional ones do some States impose?
- 5 What abnormal persons are excluded from suffrage in nearly all States?
- 6 Has the requirement that an American voter must be 21 years of age any special significance?
- 7 Do any States permit aliens to vote? Could they?
- 8 How many years must one reside in the State in which you live before he may vote?
- 9 Explain the sentence, Every right implies a duty; and tell why every mother should vote.
- 10 What kind of educational tests do a number of States have?
- 11 Explain the New York test; the Virginia test
- 12 What tax restrictions do some States have on suffrage?

PROBLEMS FOR DISCUSSION

1. Should voting be viewed as a right, a privilege, or a duty?
2. What are the qualifications for voting in your State?
3. Does your State have an absent voters' law? If so, make a summary of its provisions. What does it provide for soldiers?
4. Senator Capper suggests a penalty of 1 per cent of one's gross income for not voting. The *St. Louis Star* says that a valuable vote must be founded on a desire for decent government, created in the home, the school, and the church. Are these suggestions valuable? Why?
5. Do you favor universal suffrage? H. G. Wells says "Before he can vote, he must hear the evidence. Before he can decide he must know . . . Votes in themselves are useless things. Men had votes in Italy in the time of the Gracchi. Their votes did not help them. Until a man has an education, a vote is a useless and dangerous thing for him to possess." Should a legislator follow a universal suffrage "public opinion referendum" if contrary to his judgment?
6. Does public opinion grow out of reason, or is it manufactured for us by some hard-working or heavy-spending leaders? Do you do your own thinking or are you led by the papers you read and the people with whom you associate? By the use of large sums of money can you employ high-powered organizers and writers to prepare ready-made arguments for the press and thus make the people believe that they themselves have changed their opinion?
7. The New York Board of Regents examinations can be passed by fifth-grade students. If you were preparing them, would you make them easier or more difficult? In the future, would you favor restricting suffrage to high school graduates, not having the law apply to persons already voting?
8. In a New England college town a group of college students attended a town meeting for fun and voted to build a town hall six feet wide and two hundred feet long. Because of this type of levity by young people the State constitutions have provisions like the following from the New York Constitution: "For the purpose of registering and voting no person shall be deemed to have gained or lost residence . . . while a student of any seminary of learning." If the student's family lives in the college town, or if he has no other home to which he intends to return, he may vote. In Latin America students play an important part in national politics. Do you think the practice in the United States or in Latin America is the better?
9. In a democracy is education a luxury, or is it a necessity?
10. Should our schools turn out citizens with a general education

or a technical education? Should they be men of culture, of affairs, or cultured men of affairs? If a man is trained in a single trade, can he know much about complex society and help to manage a republic?

11. In the eighth assembly district of New York City it was once discovered that only 42 out of 13,662 families owned their own homes, and of these 42 homes all but 14 were mortgaged. Is this population likely to be conservative or radical in voting? Does this mean that all but the 14 families should be disfranchised?

12. It is the ideal of every good citizen to leave the world a little better than he found it. Intelligent voting is one way to attain this ideal. Are you preparing to be a good citizen? How?

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See bibliography at end of Chapter XXV.

CHAPTER XXV

NOMINATIONS AND ELECTIONS

Registration. — In order to determine whether all persons who claim the right to vote are really entitled to vote, and to identify individuals in communities where residents are not personally known to one another, all the States require each voter to "register" his name, address, age, length of residence, and other facts pertaining to his qualifications as a voter with a registration officer or board provided for each voting-place. In some States registration is required only in cities.

In rural districts where the voters are well acquainted with one another one registration is sufficient so long as the voter remains in the same voting district, but two thirds of the States require voters to register each year that an election is held.

For instance, in New York the voter must sign his name in the registration book and on election day he must again sign his name so that the election officers may compare the two signatures. Where there is annual registration the party "machines" see to it that their regular party men register, but independent voters and many traveling men often fail to register and hence lose their vote. However, for cities, this practice involves less evil than would result from permanent registration, which is necessarily very inaccurate.

In England government officials make an annual house to house canvas in preparing a complete and accurate list of voters.

Political Parties. — From the beginning of our governments men have held different opinions on matters of government, so they have formed themselves into political groups, known as political parties, for the purpose of electing officers who will carry on the governments in accordance with their views.

The national party organization performs a useful purpose by organizing the people who hold similar views to support candidates who promise to carry out these views if elected. But the county and State committees of the national parties also work for the election of members of their parties to the county and State offices, and this practice is often harmful.

It commonly results in choosing State and local officers on the same day that the President and congressmen are elected, and in this way the party enthusiasm sweeps into office local candidates of the party which wins in the national election whether they are the best men or not.

By means of clubs, advertisements, and radio speakers who commonly play upon the prejudices and emotions of the people, politicians try to induce unthinking persons to work for a Democrat "right or wrong," or a Republican "right or wrong." It makes little difference whether a member of a county board of commissioners is a Democrat or a Republican, but it does matter whether the county commissioner believes in good roads and good schools and is a man of high ideals.

Nominating Methods. — Very soon after the establishment of the United States it became customary for political parties to nominate a candidate for their support at the election. In the United States there are at present five different methods of nominating candidates for elective offices.

- (1) Self-announcement.
- (2) Caucus or primary.
- (3) Delegate convention
- (4) Direct primary election
- (5) Petition.

Self-announcement, or self-nomination, is very rare, and indicates either little competition within the party or a dissatisfied candidate whom the party has refused to indorse as its regular candidate. Some Southern and Western States provide for printing the names of self-announced candidates upon the ballots.

"Caucus"¹ is the New England name for a local mass-meeting of party voters, and "primary"² is the name applied to the same in the Middle or Western States. The caucus, or primary, selects candidates for town, ward, or precinct offices, and members of the town, ward, or precinct party committee. It also selects delegates to county and other nominating conventions.

The caucus has generally proved unsatisfactory because it is easily manipulated by machine politicians, especially in cities, and it is there that half the American population live. The unregulated caucus has often been called on short notice to meet in an inadequate hall at an inconvenient time, and then "packed" with foreigners or "repeaters" hired by the "ring." As this uninviting caucus frequently ended in a "free for all" it is not strange that good citizens have considered it not only useless, but even dangerous, to attend.

The delegate convention has been in common use since 1840 for selecting county, State, and National candidates. The delegate convention for a county or city is a meeting of delegates from the various election districts of the county or wards of the city. These are chosen by mass meetings, called caucuses or primaries, held in each district or ward.

The delegate convention for the State is a meeting of delegates from the counties and cities, commonly chosen at the county or city conventions. The National Convention has been described at some length in Chapter XXIII. As the delegates have been selected directly or indirectly by caucuses, the evils of the caucus have also been the evils of the convention.³

¹ The term "caucus" used in this sense must not be confused with the legislative caucus, which is a secret meeting of legislators of a particular party to decide upon united action against the opposing party on the floor of the legislative hall.

² The term "primary" as here used must not be confused with the term "direct primary," or "direct primary elections," which is a recent substitution for the delegate convention.

³ By controlling the primary-caucuses the machine politicians had the following candidates selected as delegates for a Cook County convention which was held in Chicago in 1896—keepers of houses of ill fame, 2; ex-prize-

For this reason conventions rapidly gave way to direct primary elections.

The direct primary election is conducted with many of the safeguards accompanying a regular election, such as registration,

secret voting, and penalties against bribery. Each party prints upon its ballot, or has printed at public expense, the members of its party who desire to be party candidates at the regular election, and the person receiving the greatest number of the party votes is nominated.

Nomination by petition means that candidates are placed in nomination by petitions signed by a certain number of voters and filed with some specified officer. This entitles the candidate to have his name

MASSACHUSETTS REPUBLICAN DIRECT
PRIMARY BALLOT, JULY, 1946

printed upon the official ballot. This method practically eliminates national politics from local elections and is well suited to cities, where national political parties should play no part.

The Direct Primary. — In forty-odd States the direct primary method is used to nominate local, county, and State officers, as well as United States representatives and senators. The direct primary systems generally have the following points in common:

(1) Different parties hold primaries at the same time and place.

fighters, 11, had been on trial for murder, 17; had served sentences in the penitentiary, 46; had been in jail, 84, no occupation, 71; political employees, 148, saloon keepers, 265. The total number of delegates was 723.

TO VOTE FOR A PERSON MARK A CROSS X IN THE SQUARE	
GOVERNOR	Vote for ONE
HENRY L. STANNETT	For Governor
<hr/>	
LIEUTENANT GOVERNOR	Vote for ONE
HENRY L. STANNETT	For Lieutenant Governor
<hr/>	
ATTORNEY GENERAL	Vote for ONE
CHARLES T. BURRITT	For Attorney General
<hr/>	
SECRETARY OF STATE	Vote for ONE
CHARLES T. BURRITT	For Secretary of State
<hr/>	
CHURCHILLIAN	Vote for ONE
HENRY L. STANNETT	For Churchillian
<hr/>	
REPRESENTATIVE	Vote for ONE
CHARLES T. BURRITT	For Representative
<hr/>	
TREASURER	Vote for ONE
CHARLES T. BURRITT	For Treasurer
<hr/>	
CLERK OF THE HOUSE	Vote for ONE
CHARLES T. BURRITT	For Clerk of the House
<hr/>	
ALBION	Vote for ONE
WALLACE C. STEVENS	For Albion
<hr/>	
BUREAU OF BUDGET	Vote for ONE
CHARLES T. BURRITT	For Bureau of Budget
<hr/>	
REPRESENTATIVE IN GENERAL COURT	Vote for ONE
CHARLES T. BURRITT	For Representative in General Court
<hr/>	
DISTRICT ATTORNEY	Vote for ONE
CHARLES T. BURRITT	For District Attorney
<hr/>	
REPRESENTATIVE IN CONGRESS	Vote for ONE
CHARLES T. BURRITT	For Representative in Congress

- (2) Australian secret ballot is used
- (3) Ballots are printed at public expense
- (4) Names are presented by petitions and are printed in alphabetical order, or are rotated
- (5) Regular election officials preside and are paid from public funds
- (6) Polls are open during specified hours
- (7) Plurality vote nominates
- (8) Corrupt practices acts for elections apply to primaries¹
- (9) Members of party committees are selected at the primary.
- (10) Party membership is determined (a) by an intention to support generally at the next election the nominees of such a party; or (b) by the party the voter supported at the last election; or (c) by answering any questions the party prescribes, as is done in parts of the South in order to keep Negroes from participating in Democratic primaries

When party membership is determined by test *a*, *b*, or *c*, in number 10 above, the primary is called a "closed primary" because it is closed against any persons who will not announce their party preference. In most States primaries are closed, but they are objectionable because there the voters must make

¹ The National Government has the same authority over official direct primaries for Federal officials that it has over elections. In a 1941 case from Louisiana United States Supreme Court Justice Stone said "We may assume that the framers of the Constitution did not have specifically in mind the selection and elimination of Candidates for Congress by the direct primary," but that a State was electing officials just the same when "it changed its mode of choice from a single step to two, of which the first is the choice of a primary." He pointed here to the fact that in Louisiana "the choice of candidates at the Democratic primary determines the choice of the elected representative."

In 1944 the United States Supreme Court held that a Negro in Texas could not legally be denied the right to vote in the Democratic primary which was regulated by the State and hence was an agency of the State. Such a denial would violate the Fifteenth Amendment. A State cannot practice racial discrimination indirectly through an official primary. Some States are, therefore, attempting to evade this decision by holding unofficial primaries.

known their party preference, which thus defeats the principle of the secret ballot. It also works against independent voting.

The accompanying Republican primary ticket for Massachusetts was used for a "closed primary."

Wisconsin has the "open primary," which is open to all voters without registering their party preference. The voter is given a separate primary ballot for each party. He votes one and deposits the others in a box for unmarked ballots. The open primary is less objectionable than the closed, but it has one objection — it allows the leaders of the majority party, especially in large cities, to direct a number of their dishonest followers to vote the ballot of the opposite party and on it to support candidates for nomination who will be friendly to the majority's interests, thus robbing the minority party of its real leader.

The direct primary system has not proved a panacea for all the ills of the convention system, but it offers an *opportunity* to defeat a conspicuously unfit candidate or to nominate one conspicuously well fitted. No primary or election machinery takes the place of intelligence and public spirit, but the direct primary places the responsibility for good government upon the voter.

Arguments for the Direct Primary — (1) It has given every party member an equal chance to help nominate candidates and thereby encourages loyalty to the government.

(2) It has given aspirants for office an opportunity to appeal to the voters unrestricted by party action.

(3) It has allowed a vigorous candidate to conduct his campaign without having to pool his energy and money with weaker candidates on a party slate.

(4) It has prevented corrupt politicians from selling the party to selfish or corrupt interests.

(5) It necessitates a candidate's coming into close contact with the people and results in his more faithfully carrying out their will.

(6) It stimulates interest in problems of government by more frequent participation.

(7) In a one-party State the voter has no effective participation except at the primary.

Arguments against the Direct Primary — (1) It entails extra expense.

(2) It gives the city population an advantage over the rural population, because the former live closer to the voting places

(3) It ignores the necessity for consultation and conference in the selection of candidates

(4) It affords no suitable opportunity for the formulation of party platforms.

(5) It increases the opportunities of self-advertisers and demagogues.

(6) Frequently desirable candidates will not enter primary contests because of the greater effort and expense.

(7) It develops bitterness which weakens the party in the ensuing campaign.

Elections. — *When Held.* — Most States hold their elections for the selection of State officers at the same time that presidential electors and United States senators and representatives are chosen — Tuesday after the first Monday in November of even-numbered years. However, Virginia, Kentucky, and Mississippi hold State elections in November of odd-numbered years; and New Jersey elects certain State officers annually.

Maine holds its election earlier than November. City elections are commonly held earlier in the year. When State elections are held at a different time from the national elections, the voters pay more attention to State issues, and are not so likely to vote a straight Democratic or Republican ticket as they are during the excitement of a National campaign.

How Held. — For each voting district or precinct into which the county or city is divided, the county clerk, city clerk, board of election commissioners, or some designated officer provides a polling place, equipped with booths, a ballot-box, or voting machine, poll books, tickets, and in some States a flag. On election day the polls are open during prescribed hours — commonly from 6 A.M. to 6 P.M., but sometimes longer.

Each polling place is in charge of judges of election, whose duty it is to pass upon voters' qualifications. The judges have clerks to assist them. They open and close the polls, count the ballots, and certify the results to the proper officials (*e.g.*, county

board of elections or county clerk) A "watcher" from each political party is permitted to be present at the voting place to challenge any person whom he does not believe to be qualified to vote, and to see that the votes are fairly counted.

To vote for a Person, mark a Cross X in the Square at the right of the Party Name or Political Organization.	
GOVERNOR	Vote for ONE
ROBERT C. BRAZDIL of Cambridge-----	
MARCUS L. TOWN of Boston-----	
HORACE L. MILLIS of Boston-----	
GUY S. WILLIAMS of Worcester-----	
LIEUTENANT GOVERNOR	Vote for ONE
ARTHUR W. COOLIDGE of Boston-----	
PAUL A. DIXON of Cambridge-----	
ALICE L. DODD of Boston-----	
FRANCIS J. VETRANO of Lynn-----	
SECRETARY	Vote for ONE
EDWARD W. COKE of Somerville-----	
BENEDICT F. FIGGARD, Jr. of Cambridge-----	
MALCOLM J. RYAN of Lynn-----	
TREASURER	Vote for ONE
LAWRENCE SWITS of Boston-----	
JOHN E. SMITH of Boston-----	
LAWRENCE SULLIVAN of Boston-----	
CHARLES L. VAUGHN of Boston-----	
AUDITOR	Vote for ONE
THOMAS L. BUCKLEY of Boston-----	
MICHAEL L. WOOD of Boston-----	
THOMAS J. CONNELL of Somerville-----	
MURRAY L. SHANAHAN of Boston-----	
ATTORNEY GENERAL	Vote for ONE
CLARENCE A. BARRETT of Woburn-----	
FRANCIS C. KELLY of Boston-----	
WILLIAM F. O'DON of Boston-----	
HOWARD S. RAND of Woburn-----	
To vote for a Person, mark a Cross X in the Square at the right of the Party Name or Political Organization.	
SENATOR IN CONGRESS	Vote for ONE
HEBERT CASTIGLIO, Jr. of Beverly-----	
DAVID L. WALSH of Roxbury-----	
HERMING A. BLOMER of Boston-----	
MARK R. SHAW of Melrose-----	
CONGRESSMAN	Vote for ONE
CHARLES J. CALLAHAN of Boston-----	
PAUL J. WHITNEY of Somerville-----	
COUNSELOR	Vote for ONE
FRANCIS J. CALLAHAN of Boston-----	
STANIS L. WHITNEY of Somerville-----	
SENATOR	Vote for ONE
JOHN J. CONNELL of Woburn-----	
EDWARD J. CLARK of Boston-----	
CHARLES J. HOBBS of Boston-----	
To vote for a Person, mark a Cross X in the Square at the right of the Party Name or Political Organization.	
DISTRICT ATTORNEY	Vote for ONE
WILLIAM J. FOYLE of Boston-----	
JAMES L. TOFFE of Boston-----	
CLERK OF SUPREME JUDICIAL COURT	Vote for ONE
CHARLES A. STURTEVANT of Boston-----	
CLERK OF SUPERIOR COURT (Civil Business)	Vote for ONE
THOMAS DOUGLASS of Boston-----	
CLERK OF SUPERIOR COURT (Criminal Business)	Vote for ONE
WILLIAM MICHAEL PRENDERGAST of Boston-----	
REGISTER OF DEEDS	Vote for ONE
LEO J. MULIAN of Boston-----	
ALLEN H. TOTTA of Boston-----	
REPRESENTATIVES IN GENERAL COURT	
P. I. - Public Duties	
JOHN J. SALLY of Boston-----	
A. FRANK FOSTER of Boston-----	
CHARLES J. HOBBS of Boston-----	
HEBERT CASTIGLIO of Beverly-----	
HEBERT L. SHATTUCK of Woburn-----	

**MASSACHUSETTS BALLOT FOR THE REGULAR ELECTION,
NOVEMBER, 1946**

Australian Method of Voting. — The Australians devised a secret method of voting, which found its way to the United States through England. In 1888 the Kentucky legislature adopted it for municipal elections in Louisville, and the following year Massachusetts adopted it for all elections.

The Australian method of voting is as follows: The voter enters a room in which no one is allowed except election officers, "watchers," and perhaps a policeman. He gives his name, and if it is found on the registration book, he is given a ballot, which

he carries into a canvas booth about three feet square. After marking the ballot he folds it, comes from the booth, and gives it to a judge of election, who tears off the top of the ballot containing the number, and he or the voter deposits it in an election box made of wood, metal, or glass in the presence of the other. The ballots have been printed at public expense, and no ballot



GOVERNOR AND MRS. DEWEY VOTING IN NEW YORK CITY

may be taken from the voting place. In some States a "sample ballot," printed on colored paper, is mailed to each voter before the election day, but this, of course, cannot be used for voting.

Between 1888 and 1910 all but two States, Georgia and South Carolina, adopted this method of voting, though the details vary from State to State.

Some States use voting machines, which the voter manipulates by pulling a lever for each candidate or measure. The machines automatically count the votes, so the result is known as soon as the voting ends. The machines are expensive, the

arrangement of the levers encourages the voting of a "straight ticket," and ignorant voters think they are difficult to operate. In short-ballot rural States where there are many precincts that poll few votes there is no economy in buying \$1000 voting machines, but in large cities, machines make it possible to vote more rapidly, thus reducing the number of precincts.

The election of November 1946 resulted in Republican control of both houses of Congress. President Truman and the leaders of the Republican Party promised full cooperation in legislation for the best interests of the whole country.

Origin of Ballots in the States. — For many years our voting was public and this encouraged vote-buying and intimidation. So the States gradually abandoned *viva voce* voting, but in the South it continued until after the Civil War.

Unofficial written ballots were at first substituted for the *viva voce* method, each voter preparing his own ballot. Then the candidates began to print their own ballots; and finally the political party had ballots printed — each party having ballots of a different color. Thus the new method was just as public as the old. A vote-buyer, friend, or employer could know how you voted from the color of your ballot or could see you deposit the ballot which he had prepared for you.

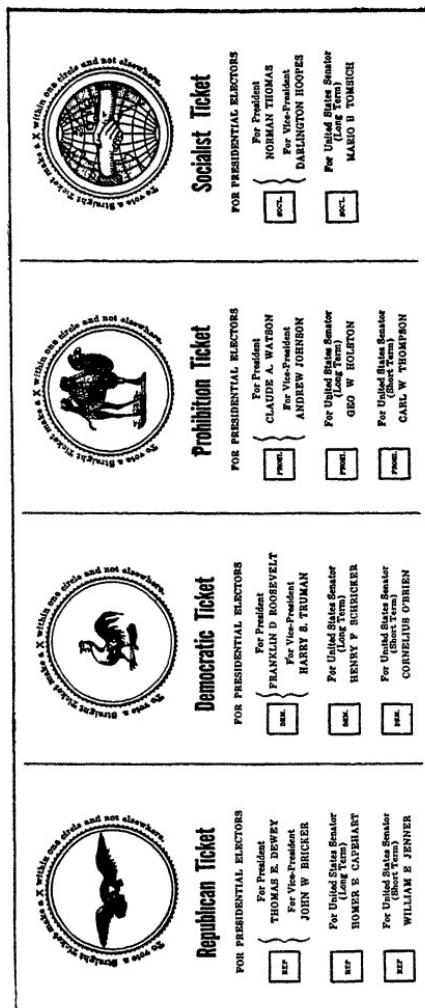
Ballots Now in Use. — While all but two of the States have followed the general feature of the Australian plan and have made elections secret, less than half use the true Australian ballot, but the number is increasing. The Australian ballot places the names of the candidates of all parties for a given office in alphabetical order, giving each candidate's party affiliation after his name as shown in the ballot above. Rotating the names of candidates is an improvement over the alphabetical arrangement.

In many States the Party Column ballot is still in use. On such a ballot all the names of the candidates of one party for the various offices are arranged in a vertical column under the party's name, usually with a circle at the top in which the voter

by placing a cross mark therein may vote for all of the candidates of that party — "a straight ticket." This arrangement works in the interest of a strongly organized party because an ignorant voter can vote the ticket with almost as much ease as an intelligent one. The accompanying Indiana ballot is a good example of a Party Column ballot.

The Short Ballot Movement. — *The Usual American Ballot Is Too Long.* — The appearance on the ballot of the names of so many candidates is very confusing. It is next to impossible for the average voter to remember those for whom he wishes to vote, much less to know their qualifications.

A Long Ballot Leads to Blind Voting — Instances of this confusion could be cited in almost every district when an election takes place. Some years ago immediately after an election, figures were collected from the



THE INDIANA PARTY COLUMN BALLOT
USED IN THE ELECTION OF 1944

most independent Assembly District in Brooklyn, New York, which showed that 87 per cent of the voters did not know the name of the State treasurer just elected. When the names of candidates for scores of offices appear on a ballot, practically all voters cast a straight ticket.

Blind Voting Leads to Government by Politicians — Because of the scores of officers to be voted for, about nine tenths of the

voters vote blindly, that is, vote a straight ticket. By so doing they practically ratify the "appointments" made by the other tenth — the politicians who nominate the men for office. Hence most of our officers are practically appointed by politicians.



"FOR EXPERTS ONLY"

The National Municipal League is promoting the short ballot movement through its monthly publication, *The National*

Municipal Review. Its purpose is to educate the people to the fact that most officers are actually chosen by politicians, whereas the people imagine that they are electing them. This organization advocates the election of important officers for long terms. It would allow these few to appoint the others. For instance, the State governor, State legislator, county commissioner, city councilor or commissioner, and mayor could be elected. The other State officers could then be chosen by the governor, county officers by the county board of commissioners, and city officers by a small council or commission, or by the mayor or the manager. This would center the authority and responsibility in a few officers, who could be more easily watched by the voters.

The present method of electing officers is a puzzle, the intricacies of which are understood only by politicians. Those who favor the short ballot would make the election process so simple that even the voter might understand it and be able to know something about those for whom he is to vote. They claim this system would produce a democracy *in fact* instead of a democracy *in theory*: that we now have a *democracy in theory — a politicians' oligarchy in fact*

Short Ballot. — A few States have attained a short ballot. For example, Virginia elects only a few officers at a time. Before the days of the automobile it was inconvenient to vote annually, but this is no longer true. Neither is the annual election very expensive when so few names have to be printed and counted.

VIRGINIA SCHEME OF ELECTIONS

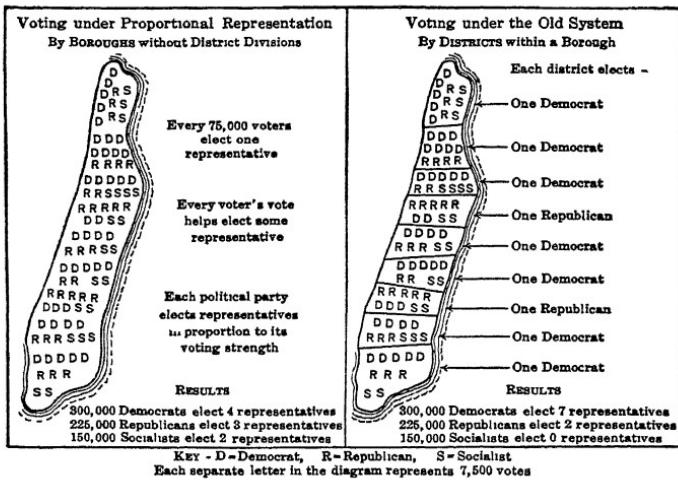
1948	1949	1950	1951
President and V Pres U S Represent- ative U S Senator	Governor Lieut Gov Attorney Gen State Delegate (See p. 451)	U S Represent- ative	Various County and District officials State Senator State Delegate

City elections are held in June. County clerks serve eight years.

Proportional Representation in New York City. — The City Council is elected every fourth year by proportional representation. Each of the five Boroughs is entitled to a Councilman for every 75,000 valid votes cast therein, plus an additional one if there is a remainder of 50,000 or more votes. The election of 1945 resulted in a council of 23, including 14 Democrats, 3 Republicans, 2 Communists, 2 Liberals, and 2 American Laborites, one of whom ran with Democratic endorsement.

Any number of candidates may be nominated and get their names on the ballot by having 2000 registered voters sign a petition. Their names rotate on the ballots so that each will be

at the top of a portion of the ballots. The voter writes the figure 1 before the candidate he wants most to elect, the figure 2 before his second choice, and consecutive numbers as far as he cares to continue. After the election all ballots voted in a Borough are taken to a central place to be counted.



PROPORTIONAL REPRESENTATION AT A GLANCE

This diagram was adapted from a chart published by The Women's City Club of New York. Under the old system, many of the votes did not help elect anyone; under the new, every vote counts.

In Manhattan Borough in 1945 all ballots were first sorted into pigeonholes according to the first choice expressed on each ballot. The total number of valid ballots was divided by 75,000 and the result entitled the Borough to 5 Councilmen. Had any candidate received 75,000 votes he would have been declared elected. Candidates with fewer than 2000 votes were eliminated and their ballots awarded to second-choice candidates. When these second choices added to the first choices of another candidate totaled 75,000 he was declared elected. Next, the candidate receiving the least number of first choices was declared defeated, and his ballots were distributed according to the

second choice expressed thereon (Or if the second choice was for a candidate already declared elected it was distributed according to the third choice, or highest choice for a candidate not already declared elected)

Then the next lowest candidate was declared defeated, and his ballots were distributed in the same manner The count continued by dropping the next low candidate until six candidates had obtained 75,000 votes or only 6 remained

The Recall. — When the people elect very few officers and trust everything to them, it seems advisable to be able to remove those who do not give satisfaction. Therefore twelve States and several hundred cities, principally of the commission and commission-manager types, reserve the right to remove such officers.

Whenever a prescribed number of voters, the number varying from State to State, become sufficiently dissatisfied with an officer to petition for a new election, the officer whom they wish to remove must again stand for election If the officer receives more votes than any other person who has offered himself as a candidate, he remains in office, but if any other candidate receives more than he, he is removed from office ; that is, he is recalled by the people.

Republican Sample Ballot	
ELECTION NOV. 6, 1945	
<i>For Governor</i> (VOTE FOR ONE)	
<input type="checkbox"/>	WM. M TUCK
<input checked="" type="checkbox"/>	S FLOYD LANDRETH
<input type="checkbox"/>	HOWARD H CARWILE
<input type="checkbox"/>	
<i>For Lieutenant-Governor</i> (VOTE FOR ONE)	
<input type="checkbox"/>	LEWIS PRESTON COLLINS
<input checked="" type="checkbox"/>	CARL A MARSHALL
<input type="checkbox"/>	
<i>For Attorney-General</i> (VOTE FOR ONE)	
<input type="checkbox"/>	ABRAM P STAPLES
<input checked="" type="checkbox"/>	LESTER S PARSONS
<input type="checkbox"/>	
<i>For House Of Delegates</i> (VOTE FOR ONE)	
<input checked="" type="checkbox"/>	W R SHAFFER
<input type="checkbox"/>	

VIRGINIA SHORT BALLOT

Direct Legislation. — The idea of the short ballot movement is to reduce the number of elective officers so that the voters may know the qualifications of those whom they elect. If these few officers refuse to enact laws desired by the people, the voters themselves may enact them by means of the *Initiative*. If they pass improper laws, the *Referendum* enables the voters to prevent the final enactment of such laws. Or if the officers prove incompetent or dishonest, they may be removed by the *Recall*.

POPULAR PARTICIPATION IN LEGISLATION

Initiative	<table border="0" style="width: 100%;"> <tr> <td style="width: 30%; vertical-align: top;"> <i>Direct</i> (Referred to the voters directly without being submitted to the legislative body) </td><td style="width: 30%; vertical-align: top;"> <i>Indirect</i> (Referred to the legislative body, and if enacted by this body, reference to the people is unnecessary) </td><td style="width: 40%; vertical-align: top; text-align: right; font-size: small;"> Constitutional Statutory </td></tr> </table>	<i>Direct</i> (Referred to the voters directly without being submitted to the legislative body)	<i>Indirect</i> (Referred to the legislative body, and if enacted by this body, reference to the people is unnecessary)	Constitutional Statutory	
<i>Direct</i> (Referred to the voters directly without being submitted to the legislative body)	<i>Indirect</i> (Referred to the legislative body, and if enacted by this body, reference to the people is unnecessary)	Constitutional Statutory			
Referendum	<table border="0" style="width: 100%;"> <tr> <td style="width: 30%; vertical-align: top;"> <i>Mandatory</i> by a constitutional provision (also called compulsory or obligatory) Examples: State constitutional amendments; bond issues; amendment of home rule charters </td><td style="width: 30%; vertical-align: top;"> <i>Optional</i> with a legislative body (also called voluntary) Examples: A measure passed by a body with legislative power and submitted to the voters for ratification; a proposed law submitted to the voters for advice before action by the legislature. </td><td style="width: 40%; vertical-align: top; text-align: right; font-size: small;"> Submitted for ratification. Submitted for advice </td></tr> </table>	<i>Mandatory</i> by a constitutional provision (also called compulsory or obligatory) Examples: State constitutional amendments; bond issues; amendment of home rule charters	<i>Optional</i> with a legislative body (also called voluntary) Examples: A measure passed by a body with legislative power and submitted to the voters for ratification; a proposed law submitted to the voters for advice before action by the legislature.	Submitted for ratification. Submitted for advice	
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Recall	<table border="0" style="width: 100%;"> <tr> <td style="width: 30%; vertical-align: top;"> <i>Appeal from a legislative body through popular petition</i> Of legislative and executive officers. Of judicial officers also. </td><td style="width: 30%; vertical-align: top;"></td><td style="width: 40%; vertical-align: top;"></td></tr> </table>	<i>Appeal from a legislative body through popular petition</i> Of legislative and executive officers. Of judicial officers also.			
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This direct action on the part of the people demands enlightenment on the part of the voters, and for this purpose many of the States which have adopted the Initiative and Referendum send a pamphlet to each voter before an election giving in a condensed form the strongest arguments on each side of every question referred to them. Thus with this publicity the people

PROGRESS OF THE INITIATIVE, REFERENDUM, AND RECALL

Percentages in this table refer to voters required on petitions

WHERE ADOPTED	WHEN	STATUTORY INITIATIVE	CONSTITU- TIONAL INITIATIVE	POPULAR PETITION REFERENDUM	RECALL
So Dakota	1898	5% indirect ¹		5%	
Utah	1900	5% indirect 10% direct		10%	
Oregon	1902	8% direct	8% direct	5%	
Nevada	1904, 1912	10% 1912 indirect	10% 1912 indirect	10% 1904	25% 25% 1912
Montana	1906	8% direct		5%	
Oklahoma	1907	8% direct	15% direct	5%	
Maine	1908	12,000 indirect		10,000	
Missouri	1908	8% direct	8% direct	5%	
Michigan	1908, 1913	8% 1913 indirect	10% 1913 direct	5%	25% 1913
Arkansas	1910	8% direct	10% direct	6%	Carried, but killed by Su- preme Court
Colorado	1910	8% direct	8% direct	5%	25%
Arizona	1911	10% direct	15% direct	5%	25%
New Mexico	1911			25% in $\frac{1}{4}$ of counties	
California	1911	5% indirect 8% direct	8% direct	5%	12% State 20% local
Ohio	1912	3% indirect 6% direct	10% direct	6%	
Nebraska	1912, 1920	7% direct	10% direct	5%	
Washington	1912	50,000 and indirect		30,000	25% State 35% local
Idaho	1933	10% direct		10%	10% State 20% county
No Dakota	1914	10,000 direct	20,000 direct	7000	30% 1920
Kansas	1914				10, 15, 25%
Louisiana	1914				25%
Maryland	1915				
Massachu- setts	1918	20,000 indirect	25,000 indirect	10,000 voters ² 15,000	

¹ "Indirect" means that opportunity must first be given for action by the legislature on initiated measures

² Laws for any one county or Baltimore city may be referred to the voters thereof on a 10% petition.

MUNICIPAL The Initiative, Referendum, and Recall have been incorporated more or less completely in the charters of hundreds of cities and

may become better prepared to vote upon the various issues with a degree of enlightenment.

If too many measures are submitted to the people, the voters are just as burdened as when they have too many officers to elect. Woodrow Wilson argued that these safeguards should be considered merely as "a gun behind the door" to be used only in cases of emergency.

QUESTIONS ON THE TEXT

1. What is meant by registration? How often need one register in the State in which you live? Explain just how one registers.
2. What useful service is performed by political parties?
3. How do political parties induce unthinking persons to vote a straight ticket?
4. Name five different methods of nominating candidates.
5. Describe a delegate convention
6. Describe a direct primary election
7. What is meant by nomination by petition?
8. What is meant by the "closed" primary? By the "open" primary? What advantages and disadvantages has each?
9. Is the direct primary "an opportunity" or a "cure" of election evils? Explain.
10. When are most elections held for choosing State officers? Federal officers? City officers?
11. Explain just how an election is held — officers, place, equipment, ballots, booths, poll books, time of day, "watcher."
12. Explain the Australian method of voting and tell just how it was introduced into the United States
13. Why do some States object to voting machines?
14. Explain why secret voting has taken the place of the *viva voce* method
15. Describe an Australian ballot
16. Should the names of candidates be arranged on the ballot in party columns, or alphabetically, or rotated?
17. What is meant by the short ballot movement? Give the arguments in favor of short ballots

towns in the United States and are in successful operation. Many such municipalities are not in the above-mentioned Initiative and Referendum States, the Initiative, Referendum, and Recall having been granted by the legislatures by means of general laws or special charters

- 18 Explain the Virginia method of obtaining the short ballot.
- 19 What is meant by the *recall*?
- 20 What is meant by *direct legislation*? Did Woodrow Wilson favor it?
- 21 Explain proportional representation

PROBLEMS FOR DISCUSSION

1. What provision is made in your State constitution in regard to State elections?
- 2 Upon what date is your State election held? City election? National election? County election? Why should National, State, and local elections be held on different dates?
3. Obtain a copy of the last ballot voted at your home and compare it with those printed in this chapter Which do you consider the better?
- 4 Have your father, or your brother who votes, make a list of the National, State, county, township, city or village, and school officers elected by the people in your State. If they cannot do this, do you not think that it is a strong indication that more officers are being elected than the voters are capable of electing wisely? Which of them do you think should be appointed?
5. Explain the following quotation, which favors a "short ballot". "We cannot make the voters all go into politics, but by a drastic reduction in the number of elective officers we can make politics come to the voters"
- 6 As indicated by the name, Proportional Representation means apportioned according to party strength Our usual system of plurality election results in the strongest party electing nearly all of the officers In the New York P. R. election in 1937 the Democrats elected 13 Councilmen and the minority parties or coalitions elected 13. Do you think a council dominated by one party or this mixed council is more likely to be efficient, honest, and just to all groups?
- 7 Only one party is permitted in Russia In the United States we usually have two strong parties and sometimes two or even three other parties Some countries, like France, have many parties Do you think one, two, or many is best?
- 8 Prepare an argument on the subject, "Eternal vigilance is the price of liberty"
- 9 In 1896 the Municipal Voters' League of Chicago was organized to promote efficient government in Chicago. It investigates the records of candidates nominated by the regular party organizations and furnishes information pertaining to each candidate to the voters of the city

A FACSIMILE OF THE OFFICIAL BALLOT FOR BOSTON, MASSACHUSETTS. NOVEMBER 7, 1844

Its membership is never called together, its work being directed by an executive committee of nine members. This committee has the sole authority to commit the organization for or against any candidate or measure. Are the voters of your community informed as to the qualifications of candidates, or do you need such an organization?

10. Do you think the voters are more likely to elect the best candidates under the Chicago long ballot system or the Virginia short ballot system? Though Virginia holds more elections, the total cost over a four-year period is greater in Chicago than in Virginia, because the Virginia ballots cost so little and the time required to count them is so short. The number of ballots cast is greater where many officers are elected at one time, but do you suppose the quality is as good?

11. The legislature of each State determines the method of choosing its presidential electors every fourth year. Most States have allowed the people to vote for long lists of electors; but a newer and better method is to have the party State committees, or the legislature itself, designate the requisite number of electors for each party and direct them to vote for the Presidential and Vice Presidential candidates for which the majority of voters express a preference at the November election. See the Wisconsin and Massachusetts ballots (pages 176 and 456) as examples of this simpler method. Would you favor having your State omit the names of electors from the ballot? Would you favor the direct popular election of the President? (See discussion on page 177.)

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CHAPTER XXVI

STATE CONSTITUTIONS

Origin of State Constitutions. — After the Revolutionary War the 13 colonies of North America became 13 independent States. Each was faced with the problem of establishing its own government and making its own laws. And the only advice they had came from the Continental Congress of May 15, 1776, telling them "*to adopt such government as shall in the opinion of the representatives of the people, best conduce to the happiness and safety of their constituents in particular, and America in general.*"

Where were the framers of these constitutions to find a *pattern* for their new forms of government? There was no uniform type of government in the colonies. The charters granted them by England contained varying provisions according to the particular colony. Quite naturally the 13 colonies turned to their charters for guidance in writing their new State constitutions; and quite naturally the results would not be uniform.

Adoption of the State Constitutions. — The new Constitutions were to be *written* documents setting forth the fundamental principles by which the State would govern itself in the new Union. Between 1776 and 1780 every State adopted a new constitution except Connecticut and Rhode Island. These constitutions were very similar to the colonial charters. Connecticut and Rhode Island found their charters so liberal that they merely renounced their allegiance to the King of England and continued to be governed by the provisions of their charters until 1818 and 1842 respectively.

The first State constitutions were framed by conventions or congresses, some of which were composed of members of the State assemblies, while others were especially constituted for the

purpose. The people were given scant opportunity to approve or reject these documents. Only in Massachusetts and New Hampshire was approval by the people thought essential. However, all the State constitutions in existence to-day were framed by assemblies representing the people, and a large majority of them have been approved by the people.¹

State Constitutions Analyzed.—State constitutions commonly consist of six parts.

(1) A *preamble* stating the general purpose for which the government is organized

(2) A *Bill of Rights* listing certain rights which must not be infringed upon even by enactments of the legislature

(3) *Provisions for the organization of the legislative, executive, and judicial departments*, and the powers and duties of each.

(4) *Provisions of miscellaneous character* treating of such subjects as suffrage, elections, revenues, expenditures, local government, public education, and railroads and other corporations

(5) *Provisions for future changes* by partial amendment or total revision.

(6) A *schedule* providing for such matters as submitting the new constitution to the voters and putting it into operation without conflicting with the previous constitution.

Revision of State Constitutions.—As the provisions of our State constitutions cannot be changed by the State legislatures in the same manner that ordinary laws are changed, special means have developed for altering them when new conditions make it advisable. If the people desire to make many changes in the constitution, a *convention* is called to revise the old consti-

¹ Congress never admits a new State into the Union until the territory desiring to be admitted has framed its constitution. On the admission of some States Congress has passed an Act empowering the people of a territory to hold a convention and frame a constitution, on the admission of other States Congress has accepted and confirmed the constitution previously drawn up by a territorial convention. No State may be divided or formed by the union of existing States without the consent of the legislatures of the States concerned and of Congress.

tution or frame a new one. If only a few changes are desired, the simpler procedure known as *partial amendment* is followed.

Constitutional Conventions. — A constitutional convention is an assembly of delegates chosen by the voters to revise an old constitution or to frame a new one. In all States except Rhode Island the constitution may be changed by a convention, but in most States it must then be ratified by the voters.

There are usually three popular votes connected with a new or revised constitution: (1) the vote of the people authorizing a convention, (2) the election by the voters of delegates to the convention, and (3) the submission to the people for approval of the constitution framed by the convention.¹

Missouri Convention of 1943 — The Missouri Constitution requires a vote every 20 years as to whether a constitutional convention shall be held. In 1942 the people voted "yes", in 1943 delegates were elected, and in 1945 an entirely new constitution only two thirds as long as the old one was ratified by a two to one majority of the State voters. The new constitution had cost about a million dollars, but it is worth it.

The following are some changes in the new constitution:

Seventy-odd departments, boards, etc., reduced to fourteen.

Civil Service Merit System introduced in some State institutions.

Cities of 10,000 or more may frame their own charters — "home rule."

State required to support public libraries.

Legislature may give exceptional consent for white-colored schools.

Intangibles (money, stocks, bonds) are taxed on yield instead of on market price and at a rate not to exceed 8 per cent of yield.

Legislature may reduce taxes for 25 years to encourage reconstruction of city slums or reforestation of lands not suitable for farming.

The New York Constitution of 1938 was submitted to the voters in nine parts to prevent unpopular changes from de-

¹ Some States dispense with one or more of these votes, and in 1890 the Mississippi Legislature provided for an election at which delegates were chosen, and when the delegates had framed the constitution they adopted it without consulting the people.

feating the whole constitution. Only six parts were approved.

Partial Amendment. — In all States except New Hampshire the Constitution may be changed by partial amendment, which method is used when only a few alterations are to be made. The details of this method are as follows:



OPENING SESSION OF THE CONVENTION AT ALBANY

- (1) Amendment by an affirmative vote of two successive legislatures, without being submitted to the voters.¹
- (2) Proposal by the legislature and confirmation by a vote of the people, but with the final determination left to the legislature.²
- (3) Amendment proposed by the legislature, and approved by the voters, but with the amending process subject to such restrictions as to make constitutional changes difficult. Such restrictions are of three kinds:
 - (a) Requirement of an affirmative vote by two successive legislatures for the proposal of amendments.³

¹ Delaware

² Mississippi and South Carolina.

³ Connecticut, Indiana, Iowa, Massachusetts, Nevada, New Jersey, New York, Pennsylvania, Rhode Island, Tennessee, Vermont, Virginia, and Wisconsin.

- (b) Limitations as to the number, frequency, or character of proposals¹
- (c) Requirement of an affirmative vote by more than a bare majority of all persons voting upon the amendment — *e.g.*, by a majority of those who vote for officers at that election.²
- (4) Unrestricted proposal of amendments by one legislature and their adoption by the vote of a majority of the persons voting thereon³

The Initiative. — In addition to the foregoing methods of amending State constitutions a new way has developed since 1902, and is now practiced by a number of States. This new method is known as the *Initiative* because the proposed amendment is initiated by voters. When a prescribed per cent of the legal voters — *e.g.*, eight per cent in Oregon — desires to have any part of the constitution changed, they sign a petition stating exactly what change they desire. This proposal is sent to the secretary of state, who places the proposed change upon the ballot for the next State election. If a majority of those who vote cast their ballots in favor of the change, the constitution is thus amended.

In 1934 Senator Norris sponsored an initiative petition proposing a one-house legislature for Nebraska consisting of not less than 30 and not more than 50 members, with \$37,500 as the total for salaries of all members. This initiated constitutional amendment carried by a vote of 286,086 for and 193,152 against. In 1935 the legislature decided that there should be 43 members in the 1937 and subsequent "Senates." Nebraska has the only one-house legislature in the United States.

¹ Arkansas, Colorado, Illinois, Indiana, Kansas, Kentucky, Montana, New Jersey, Pennsylvania, Tennessee, and Vermont.

² Alabama, Arkansas, Illinois, Indiana, Minnesota, Nebraska, New Mexico, Oklahoma, Rhode Island, Tennessee, and Wyoming.

³ Arizona, California, Florida, Georgia, Idaho, Louisiana, Maine, Maryland, Missouri, Michigan, North Carolina, North Dakota, Ohio, Oregon, South Dakota, Texas, Utah, Washington, and West Virginia.

In 1944 the "Little Townsend Plan" was submitted as a constitutional amendment in California and Oregon, and as a statute in Washington; and defeated in all. It would have given a \$60 a month pension to citizens over 60 provided that they retire from gainful occupation. The pensions would have been paid by a transactions tax of 3% or more.

Recent Trends. — (1) *Constitutions are becoming longer.* The Virginia constitution, written in 1776, was less than six pages in length; to-day it is ten times longer. The constitution of Rhode Island, which contains about 8000 words, is the shortest of them all, while California holds the record in length with about 75,000 words.

(2) *The newer constitutions provide more power for the government rather than less.* This partially accounts for the length of present constitutions. The government performs hundreds of functions that were once withheld from it; and the representatives of the people apparently have lost confidence in the ordinary legislator and hence include in the constitution itself many detailed laws which were originally left to be enacted by the legislature. Therefore, the newer constitutions carry specific provisions for the regulation of such phases of life as banking, insurance, labor, education, and charity.

(3) *Constitutions are easier to amend.* Laws which go into great detail need to be amended frequently, and for this reason many States have accepted the initiative, referendum, and legislative proposal as easy methods of amending their constitutions.

Authority of State Constitutions. — The constitution with its amendments constitutes the supreme law of the State, and it overrides any laws enacted by the legislature which conflict therewith. Whenever a legislature passes a law which conflicts with some provision of the constitution, the first person who is in any way inconvenienced by the law may refuse to abide by it, and permit some one to sue him because he knows that the court will or should declare the law null and void, that is, of no force.

For example, some years ago the legislature of New York State enacted a law providing that any employer whose workmen are injured in certain enumerated dangerous pursuits, such as stone quarrying, must compensate the workmen by a money payment, whether the employer was at fault or not. The first employee who was injured demanded his money. The employer refused to pay him, claiming that the law was contrary to the constitution of the State. The workman sued the employer, but the highest court of the State (Court of Appeals) decided that the law did conflict with the constitution, was thus null and void, and could not be enforced.

The legislature still thought that there should be such a law; therefore two successive sessions proposed an amendment to the constitution and submitted it to the people. The majority of voters cast their ballots in favor of it, and thus changed the constitution so that the next legislature could enact the same workmen's compensation law, for it would no longer conflict with the constitution. The next legislature did pass the law, and to-day the courts enforce it.

Relative Rank of Laws in the United States.

United States Constitution

United States statutes and treaties

State constitutions.

State statutes

County, town, or city statutes, called county "regulations" or "by-laws" and town or city "ordinances" or "by-laws"

The Constitution of the United States is the supreme law of the land, and every other law is subordinate to it. If Congress passes any statute which conflicts with the Constitution of the United States or if the President and Senate make any treaty which conflicts with the Constitution of the United States, such statute or treaty will not be enforced by the courts.

Likewise, if a State constitution contains any provision which is contrary to the Constitution of the United States or to a

statute of Congress, it cannot be enforced. Furthermore, if a State legislature enacts a statute contrary to the Constitution of the United States, a statute of Congress, or a provision of the State constitution, it cannot be enforced. Or if a county board or town or city council passes a by-law contrary to any of these laws, it is void and the courts will not enforce it.

It is impracticable to write definite laws regulating in detail all possible human actions; so in addition to the written laws we have a set of rules and principles which are not written in any definite form but are enforced by the government. These rules and principles grew out of custom and court decisions in England during a number of centuries, and because they were uniform throughout all England they were called *common law*.¹

When the American States became independent of England they retained the English common law to supplement their definite written laws.

As each American State has a distinct system of courts the common law rules and principles have undergone change in some details in the various States, but as decisions of the courts of each State are known to the judges of the courts of each of the other States these rules and principles remain very much the same throughout the country.²

If there is a case in court for which there is no definite written law or precedent, it must be decided according to the rules of common law or analogy. Occasionally a case arises which is unlike any previous case, for instance, a suit growing out of the collision of an airplane with a balloon. In the absence of an expressed law governing such a collision, the rules establishing a standard of care in the case of steamships and sailing vessels might be applied. The rules of the sea have long required the steamship to give the sailing vessel the right of way; likewise,

¹ Equity is similar to common law.

² Louisiana, which State obtained its system of laws from France, is the only one that did not adopt the common law. But even there common law rules are gaining ascendancy.

by analogy, airplanes should be responsible for avoiding collisions with balloons because the latter are the less easily managed.

QUESTIONS ON THE TEXT

1. What is a State constitution?
2. Of what six parts does a State constitution commonly consist?
3. For what purpose is a constitutional convention assembled?
4. What part do the voters usually take in making a new constitution?
5. What is meant by *partial amendment* of a State constitution? Describe in detail how it is accomplished in the State in which you live.
6. What new way of amending constitutions has developed since 1902? Explain this method.
7. What are some of the present tendencies of State constitutions?
8. If you are in any way inconvenienced by an Act of the legislature which is contrary to the constitution, should you accept it or carry it to court?
9. If a law is declared unconstitutional, is there any possibility of making it constitutional?
10. Name the various kinds of laws in the United States according to their relative rank of importance

PROBLEMS FOR DISCUSSION

1. Secure a copy of your State constitution from your Secretary of State. Study its contents and answer as many of the following questions as you can.
 - a. When was it adopted? How many times has it been amended? By what process were the amendments made?
 - b. How long is the document? Does it deal only with the framework of your State government or does it contain regulations of social and economic problems?
 - c. Do you think your State should have a new constitution? Why? The adoption of what specific amendments would you advise?
2. The average length of State constitutions is three times that of the Federal Constitution. The Model State Constitution prepared by the National Municipal League is 11,000 words in length. What has caused these constitutions to become so lengthy? Do you favor this trend?
3. The State constitution of Massachusetts requires a two-thirds vote in the House and a majority vote in the Senate in two consecutive General Courts before the amendment can be referred to the electorate.

The Model State Constitution would require a simple majority vote of a unicameral legislature. Which system would you prefer?

4 If State constitutions were abolished, would it make the governments more or less democratic?

5. In a number of State legislatures the cities are not represented in proportion to population because the legislators from the country who now dominate the legislature are unwilling to increase the legislative influence of cities. What effect would the introduction of the constitutional initiative have upon the representation of cities in a State where the city voters are in the majority?

6. How may new States be formed out of old States? (See U. S. Constitution, Art. IV, Sec. 3.) If the legislatures of New York and Illinois were willing to have New York City and Chicago become separate States, do you believe Congress would create new States of these cities? Would the House or Senate of Congress be more favorable?

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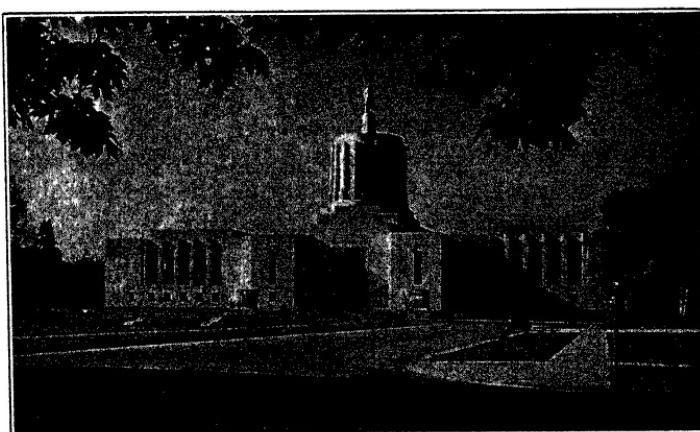
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A copy of the State constitution can usually be obtained gratis from the Secretary of State.



THE NEWEST STATE CAPITOL — SALEM, OREGON

CHAPTER XXVII

STATE LEGISLATURES

Structure of State Legislatures. — Every State has a legislative body. In twenty-four of the States this body is known as the "Legislature," in nineteen as the "General Assembly," in three as the "Legislative Assembly," and in New Hampshire and Massachusetts as the "General Court." In each State, except Nebraska, the legislative body is composed of two houses — the Senate and the House of Representatives¹.

Membership of State Legislatures. — The *Senates* vary in membership from 17 in Nevada to 67 in Minnesota. In some States one senator is elected from each county, but most States are divided into Senatorial Districts of about equal population. Senators are elected for terms of 4 years in 31 States, 2 years in 16 States, and 3 years in New Jersey.

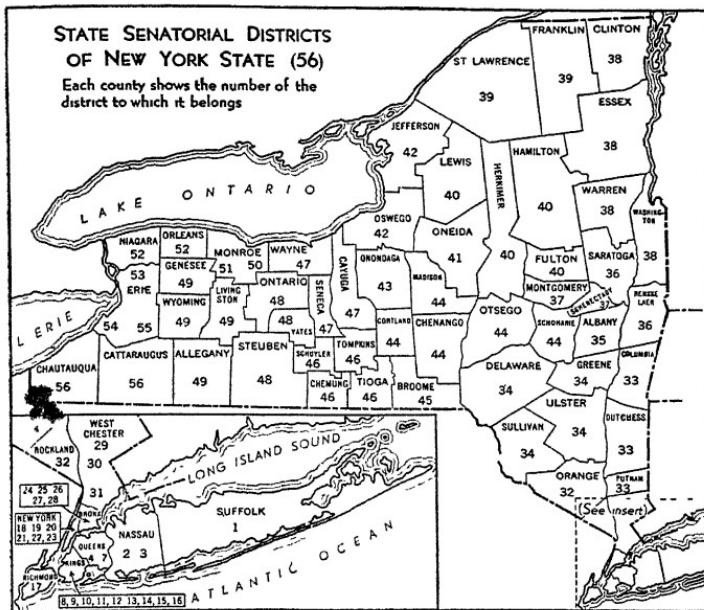
The membership of the *House of Representatives* varies from 35 in Delaware to about 400 in New Hampshire. In some States one or more representatives are elected from each county or each township, whereas other States are divided into House Districts of about equal population.

From time to time the legislatures create new Senate and House districts which correspond to the changed distribution of population. As the cities grow in population, the rural county representatives commonly refuse to increase city representation proportionately for fear that the counties will be controlled.

¹ Since January, 1937, Nebraska has had a one-house legislature, called Senate. All States give the name "Senate" to the less numerous branch of the legislative body, but instead of the term "House of Representatives," California, Nevada, New York, and Wisconsin call the more numerous branch "Assembly"; New Jersey calls it "General Assembly", and Maryland, Virginia, and West Virginia call it "House of Delegates".

by the cities. An especially unfair apportionment is called a "gerrymander."

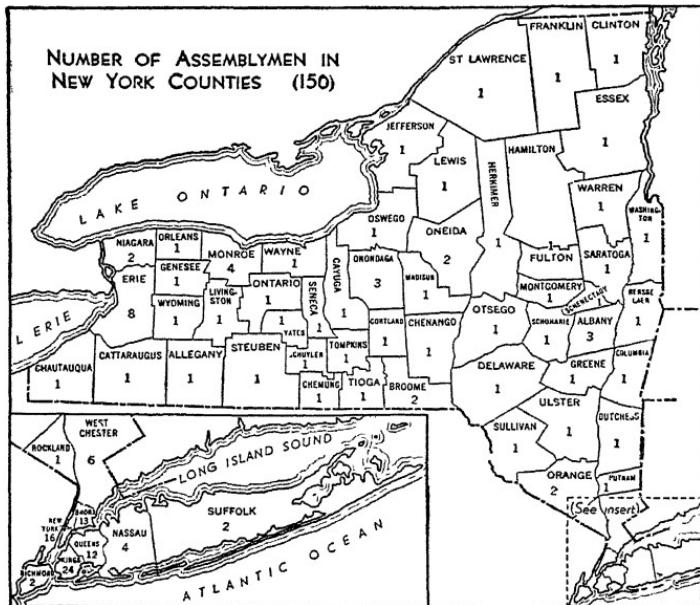
The rapid growth of cities has caused some States to fear the domination of the whole State by one city controlling the legislature. So in Pennsylvania no city is allowed to have more than one sixth of the senators; and in Rhode Island no town or city may have more than one fourth of the representatives.



In most States any qualified voter is eligible to membership in the Senate or House, but in some States the age qualification for the Senate is higher than that for the House. The members, either by law or custom, usually reside in the districts from which they are elected.

Legislative Sessions.—The legislatures of four States (N. J., N. Y., R. I., and S. C.) meet annually, and those of all other States biennially. In forty-odd States the legislatures are elected at the November election of even-numbered years and

take their seats in January following. But a few States are to be commended for electing their legislators in November of odd-numbered years when they can center their attention upon State issues without being overshadowed by presidential and other national issues.



Many State constitutions absolutely limit the sessions to a definite number of days, others allow no compensation after the prescribed number of days. However, there is a tendency to remove the restriction because many of the bills which are rushed through the last days do not receive careful consideration. For any special or urgent purpose the governor may call an extra session.

Privileges, Immunities, and Compensation of Members. — State constitutions usually provide that for any speech or debate in either house a member may not be questioned in any other place; and that members are not subject to arrest under

any civil process during any legislative session or coming thereto or going therefrom. This latter privilege amounts to scarcely anything to-day, for a member who commits treason, felony, or breach of the peace may be arrested like any other individual.

Each State pays members of both houses the same. In some States the legislature determines the amount, in others the constitution prescribes it. Where the salary is restricted by the constitution some legislatures have allowed themselves a per diem for personal expenses in addition to the clerical allowance.

Powers of State Legislatures. — According to the Tenth Amendment to the Constitution of the United States "the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States, respectively, or to the people." State constitutions confer all of this reserved lawmaking power upon the legislatures, except as to certain specified matters reserved to the voters which may be altered only by changing the constitution.¹

¹ The following restrictions are commonly placed upon State legislatures by State constitutions

1 The Bill of Rights guarantees freedom of the press and speech, religious liberty, jury trial, right to the writ of *habeas corpus*, etc., and prohibits the taking of private property for a public purpose without compensation

2 Other parts of the constitution

- (a) Prohibit special privileges to corporations
- (b) Limit State debts and compel regular payment of interest and principal
- (c) Prescribe qualifications for voters and define terms and duties of certain officers
- (d) Prescribe certain rules for local government, public education, and public institutions
- (e) Place certain restrictions upon the passage of special or local laws, that is, laws applying to some particular person, corporation, or locality — township, county, or city. As an illustration of the need of such restrictions, some years ago the legislature of Pennsylvania compelled Philadelphia to build a city hall costing millions of dollars, which was larger and more extensive than the city needed or would have otherwise built

The legislatures do not attempt to exercise all of their powers, but delegate a portion of them to other local legislative bodies in counties, townships, school districts, cities, and towns or villages. The county board and the city council are examples of minor legislatures which derive all of their powers, except a few which are bestowed directly through the constitution, from general or special laws framed by a legislature.

Of course it is impossible to enumerate the powers of the State legislatures because they may enact any laws which are not in conflict with the Constitution or laws of the United States or the constitutions of the respective States. Examples of subjects concerning which they legislate are taxation, civil matters, such as contracts, real and personal property, inheritances, mortgages, corporations, marriage, and divorce; crimes for which fines, imprisonment, or death are imposed; business or professional regulations; "police regulations," such as public health, moral, safety, or any general welfare rule which restricts a person's inclination to do as he pleases.

Organization of State Legislatures. — *The Houses.* — Each house of the State legislatures commonly has power to select its own officers, except that some States have a lieutenant-governor provided for in the constitution, and he presides over the upper chamber. Each house also determines its own rules of procedure and the qualifications of its members; and by a certain prescribed majority, usually two thirds, may expel members. Legally the speaker of the House and the president or chairman of the Senate, except in those cases where the constitution provides for a lieutenant-governor, are elected by the respective houses over which they preside, but practically they are chosen in a party caucus.

The officers of each house of the State legislatures are very similar to those of Congress and their duties are about the same. For instance, the speaker is presiding officer of the House and has power to refer bills to committees, but unlike the speaker of the United States House of Representatives he has, in most

STATE LEGISLATURES

STATE	ANN OR BIEN	LIMIT OF SESSION WITH REGULAR PAY	No. OF MEMBERS IN SENATE	No. OF MEMBERS IN HOUSE	TERM OF SENATORS (YEARS)	TERM OF REPRESENTATIVES (YEARS)	SALARY OF MEMBERS
Alabama . . .	Bien	60 days	35	106	4	4	\$10 per diem
Arizona . . .	Bien	60 days	19	58	4	2	\$8 per diem
Arkansas . . .	Bien.	60 days	35	100	4	2	\$1000 bien
California	Bien	None	40	80	4	2	\$2400 bien
Colorado	Bien	None	35	65	4	2	\$1000 bien
Connecticut .	Bien	79 days	36	272	2	2	\$300 bien
Delaware	Bien	60 days	17	35	4	2	\$10 per diem
Florida	Bien	60 days	38	95	4	2	\$6 per diem
Georgia . . .	Bien	60 days	54	205	2	2	\$15 per diem
Idaho . . .	Bien	60 days	44	59	2	2	\$5 per diem
Illinois . . .	Bien	June 30	51	153	4	2	\$5000 bien
Indiana	Bien	61 days	50	100	4	2	\$1200 ann
Iowa . . .	Bien	100 days	50	108	4	2	\$1000 ses'n
Kansas	Bien	50 days	40	125	4	2	\$3 per diem
Kentucky . . .	Bien	60 days	38	100	4	2	\$10 per diem
Louisiana	Bien	60 days	39	100	4	2	\$10 per diem
Maine	Bien	None	33	151	2	2	\$850 ses'n
Maryland	Bien	90 days	29	123	4	2	\$1000 ann
Massachusetts .	Ann	None	40	240	2	2	\$2500 ann
Michigan . . .	Bien	None	32	100	2	2	\$2190 bien
Minnesota	Bien	90 days	67	131	4	2	\$1000 ses'n
Mississippi	Bien.	None	49	140	4	2	\$1000 ses'n
Missouri	Bien	None	34	150	4	2	\$1500 ann
Montana . . .	Bien	60 days	56	90	4	2	\$10 per diem
Nebraska	Bien.	None	43	None	2	2	\$872 ann
Nevada	Bien	60 days	17	40	4	2	\$10 per diem
New Hampshire	Bien.	None	24	400 ¹	2	2	\$200 bien
New Jersey	Ann.	None	21	60	3	1	\$500 ann
New Mexico	Bien	60 days	24	49	4	2	\$10 per diem
New York	Ann	None	51	150	2	2	\$2500 ann.
North Carolina	Bien	None	50	120	2	2	\$600 ses'n
North Dakota	Bien	60 days	49	113	4	2	\$5 per diem
Ohio	Bien	None	33	136	2	2	\$2000 ann
Oklahoma	Bien.	60 days	44	120	4	2	\$6 per diem
Oregon	Bien	50 days	30	60	4	2	\$8 per diem
Pennsylvania	Bien.	None	50	208	4	2	\$3000 ses'n
Rhode Island	Ann	60 days	44	100	2	2	\$5 per diem
South Carolina	Ann	40 days	46	124	4	2	\$1000 ann
South Dakota .	Bien	60 days	35	75	2	2	\$5 per diem
Tennessee	Bien	75 days	33	99	2	2	\$4 per diem
Texas	Bien	120 days	31	150	4	2	\$10 per diem
Utah . . .	Bien	60 days	23	60	4	2	\$300 ann
Vermont . . .	Bien	None	30	246	2	2	\$600 ses'n
Virginia . . .	Bien	60 days	40	100	4	2	\$720 ses'n
Washington	Bien	60 days	46	99	4	2	\$10 per diem
West Virginia	Bien	60 days	32	94	4	2	\$500 ann
Wisconsin	Bien	None	33	100	4	2	\$2400 bien
Wyoming	Bien	40 days	27	56	4	2	\$12 per diem

¹ The membership of the New Hampshire House varies slightly from session to session, as small towns are not represented at all sessions

of the States,¹ power to appoint the committees.² Each house has a clerk and a sergeant-at-arms and numerous other officers varying in number from 21 in Delaware to 315 in Missouri.

The Committee System in State legislatures is also very similar to that of Congress. Here also most committee meetings are held in secret and their votes upon measures are not recorded in a majority of the States. It is by these committees that popular measures are so often defeated. For instance, a common method of preventing the passage of a bill is for the speaker to refer it to the Judiciary Committee, claiming it to be of doubtful constitutionality, but really desiring to prevent the bill from coming to a vote. The majority of this committee is naturally composed of friends of the speaker inasmuch as he appoints them, and he can usually count upon them to "pigeon-hole" any such bill and fail to report upon it. Thus it dies and it is buried in the committee. Because of the great number of deserving bills which are buried in this committee it is often spoken of as "the graveyard committee."

Ex-Governor Sulzer of New York, who had considerable opportunity to observe actual methods of legislation, once said "The crooked work in legislatures is all, or nearly all, done in committees. People who take an intelligent interest in public affairs think they have made a great step when they have the public watching the legislature. They have, but a greater step will have been made when they have the public keeping the spotlight on legislative committees and particularly the chairmen. For immediately behind the chairman of the committee will be found the Big Boss."

Most States have an unnecessary number of committees. The 48 legislatures have about 3000 committees. In a third of the

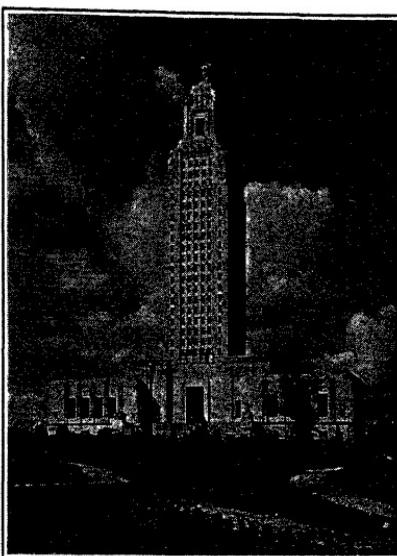
¹ In Oklahoma and several other States House committees are chosen by a committee on committees.

² State senate committees are chosen in five different ways in the States. (1) by the Lieutenant-Governor, (2) by the President of the Senate, (3) by the President pro tem, (4) elected by the Senate, or (5) by a committee on committees.

senates there are more committees than senators. Committees are created to serve some real or apparent need and then at the beginning of each succeeding session they are continued because it is easier to continue them than to abolish them. Then, too, a committee chairman is often assigned an office, and he usually has a secretarial allowance.

In Massachusetts especially, committee hearings are a very important part of legislative action. Notice of all hearings is given in the public press, and the committee meetings are well attended, not only by people who have an ax to grind, but by citizens of the State who interest themselves in legislative reforms. All testimony brought before the committee is carefully weighed, in fact, the legislature and its committees assume rather a judicial attitude. Petitions are brought before them, testimony is given, arguments are made, and they generally decide the matter upon the basis of all these considerations.

In Massachusetts, instead of having separate committees for each house, most of the committees are composed of members from both houses and are called "joint committees." Thus there is only the one hearing instead of two to consume the time of legislators and hundreds of interested citizens who are summoned or voluntarily come from all over the State to present their knowledge and wishes to a committee.



THE STATE CAPITOL, BATON ROUGE,
LOUISIANA

How Bills Become Laws. — *Preparation of Bills.* — The State legislatures may represent the average honesty and intelligence of the people, but few legislators are capable of preparing their bills in unmistakable language or in accordance with superior law.¹ For some years the members of our legislatures drafted their own bills, the lawyer members or some legislative clerk assisting the inexperienced.

After the development of large corporations their lobbyists, or legislative agents, often prepared bills free for members whose acquaintance and good-will they desired. To-day half of the States have trained assistants whose duty it is to put in clear legal form the ideas that members wish to enact into statutes. The assistant is ordinarily connected with a legislative reference bureau.

A *Legislative Reference Bureau* is a library or division of a library especially equipped to assist legislators. Such a bureau collects references, summaries, files, card indexes, court decisions, newspaper clippings, magazine articles, reference books, government reports, bills introduced into other legislative bodies, governors' messages, platforms of political parties, and any other information available for legislators. Since 1890 forty-odd States have undertaken this work on varying scales, usually in cooperation with the State library; and more than half of the States have a division devoted exclusively to legislative reference service.²

Legislative Councils — In 1933 Kansas created a Legislative Council to prepare a law-making program for each session of the legislature. It is composed of 10 senators and 15 representatives appointed at each legislative session by the presiding officers of the Senate and the House, and the major political parties get representation approximately in proportion to their numbers. Sessions of the Council must be held at least four times a year,

¹ *Superior law* means the Constitution of the United States, laws of Congress, treaties, and the State constitution.

² The Interstate Legislative Reference Bureau of the American Legislators' Association was organized in 1930 to function as the Clearing House for the Legislative Reference Services of all the States

and are presided over by the President of the Senate, or by the speaker of the House, who is vice chairman. The Council may require the services of the legislative reference library and may employ research assistants. Its recommended legislation must be mailed to each member of the legislature and made public at least 30 days before the legislature meets. Each member of the council receives the same pay per day as in the regular legislative session. A number of other States have adopted the Legislative Council idea.

Introduction of Bills — Any member of either house may introduce as many bills as he chooses, but important bills are commonly prepared by a committee and introduced by its chairman. In introducing bills the members merely file them with the clerk. Some legislatures prohibit the introduction of bills after the legislature has been in session a certain number of days, others require that bills of a local or private character must be announced in the locality to be affected; and others require that local bills receive a two-thirds vote of each house instead of a bare majority, which is sufficient for public bills.

The Passage of a Bill through a State legislature is so similar to the procedure of Congress that it need not be described here in detail.

On account of the large number of bills introduced at each session of the State legislature it would be impossible for the committees to give consideration to all of them. Therefore those bills which are not introduced by prominent members or backed by influential lobbyists are commonly not seriously considered and are said to be "pigeon-holed." Other bills which the committees do not favor, but feel obliged to report upon, are often intentionally reported too late to be considered by the houses.

Pressure Groups, or the Lobby. — The practice of frequenting lobbies¹ or other convenient places for the purpose of persuading

¹ A *lobby* is an anteroom or corridor communicating with the main assembly room, or else a part of the room itself to which the public is admitted and which is usually railed off from the part used for the assembly.

legislators to vote for or against certain bills is known as *lobbying*. Lobbyists are sometimes given the dignified names of legislative agents or public relations counsel. They are sometimes former legislators who still have friends in the legislature, sometimes leaders of organizations, and sometimes high-pressure experts. These lobbyists form an important part of the "invisible government" and extra-legal legislative machinery. Their methods are not merely to button-hole legislators, but to put indirect influences to bear: friends, letters, telegrams, telephone calls, radio broadcasts, and newspapers and other periodicals. A lobbyist may represent big business, labor unions, farm organizations, reform groups, or groups like the liquor interests or gambling interests that are endeavoring to have moral restrictions removed.

Regulation of Lobbyists. — The State of Wisconsin requires all persons employed to lobby at a legislative session to be registered on a legislative docket which is kept by the Secretary of State. The names of the employer and employed must be entered with a statement of the legislation in which they are interested and the terms of employment. The lobbyist is not allowed to enter upon the floor of either House; and his lobbying must be restricted to committees or work properly incidental thereto, to newspaper publications, public addresses, or written briefs delivered to each member of the legislature and filed with the Secretary of State. A detailed statement of expenses must be filed within thirty days of the adjournment of the legislature.

The Referendum. — *Mandatory.* — State constitutions require that such propositions as constitutional conventions and bond issues be referred to the people. For instance, in 1942 the Missourians voted in favor of a proposed constitutional convention. In 1935 New York carried a \$55,000,000 bond issue for unemployment relief, and in 1944 California carried a \$30,000,000 bond issue for a veterans' farm and home loan fund.

Optional with the Legislature — If a measure is voluntarily referred to the voters by a legislature, it is said to be an optional

or legislative referendum A State legislature is often willing to refer urged measures to the voters when it is unwilling itself to assume responsibility for them Here are two examples

Oregon (1938) Requiring physical and mental examination of men and women for marriage license *Voted "Yes" by majority of 2 to 1*

Oregon (1944) Making County Manager system optional *Voted "Yes"*

Popular Petition — In one third of the States the Governor is not the only authority that can prevent a bill which has passed the legislature from becoming law In these States a petition signed by a prescribed per cent of voters may demand that any non-emergency measure¹ be referred to the people. Here are examples

Oregon (1938) Forbidding games of chance, such as slot machines.
Voted "Yes"

Oregon (1944) Forbidding sale of intoxicating liquor containing over 14% of alcohol except in State Dispensaries *Voted "Yes"*

On three occasions the people of Oregon defeated a general sales tax proposal at popular referenda · first in 1933, again in 1934, and in 1936

The Initiative. — All the States which have the popular petition referendum, except Maryland and New Mexico, also have the *initiative*, which is a device whereby a small percentage of voters may initiate a law and have it referred to all of the voters for their acceptance or rejection Thus, if a legislature will not enact a law which a certain per cent of the voters think the majority favor, they can have the prescribed per cent sign a

¹ In States with the popular petition referendum there are certain measures which need to become effective at once, without waiting the 90 days during which the people may have petitions signed for a referendum These measures are called "emergency measures" If the legislature declares a measure to be an emergency measure, it may become effective immediately. The legislatures abused this privilege, and in some States declared half of the measures emergency measures To prevent a legislature from declaring a measure an emergency measure just to avoid any possibility of its being referred to the people, some States gave the governor the right to veto the emergency clause without vetoing the entire measure

petition, and the measure will be referred to the voters at the next election.

The initiative allows well-organized groups to ignore political parties and legislatures and go direct to the voters. Recently



THE STATE CAPITOL, OLYMPIA, WASHINGTON

This beautiful capitol group comprises the Temple of Justice, the Legislative Building, and the Insurance Building.

developed public opinion polls will probably cause legislatures to reflect public opinion without the initiative.

The Unicameral Legislature is a legislature of one house. For more than a hundred years all of our State legislatures had two houses. Then Nebraska, under the leadership of the late Senator George Norris, established a one-house legislature. The first session, held in 1937, was characterized by greater efficiency than had been possible with two houses. The members receive higher salaries than were paid to the members of the former two houses. All except one of the Canadian provinces have long had one-house legislatures, and they seem to be satisfied with them.

Arguments for One-House Legislatures — Our two-house legislatures are both chosen by the people, and in many States for the same term of office, so why have the worry and expense of two houses? Nebraska voters can give more careful consideration to the election of the 43 members of its one house than they previously could give to the 133 members of their two houses. A one-house legislature is more democratic: it responds promptly to popular opinion. In the jungle of a two-house system special interests have a better chance to block popular legislation.

Arguments for Two-House Legislatures. — In the United States we are inclined to pass too many laws, without proper consideration. Therefore we need two houses to investigate bills more carefully, to give the press an opportunity to criticize legislation, to give popular opinion a chance to cool off, and to block radical legislation. A one-house legislature based on population gives the cities an advantage. In a two-house legislature the rural counties usually have control of the Senate and can there block legislation which they dislike. Because a one-house legislature is closer to the majority of people it is likely to appropriate money freely, and to increase taxes on property and wealth.

QUESTIONS ON THE TEXT

1. By what name is the legislative body of the State in which you live known? The upper house? The lower house?
2. How many members are there in the upper house of the legislature of the State in which you live? The lower house?
3. How many senators are elected from the senatorial district in which you live? How many representatives?
4. How often does the legislature meet in the State in which you live? When? Is the length of the session restricted? How may an extra session be called?
5. What special privileges and immunities do State legislators enjoy?
6. What salary do legislators receive in the State in which you live?
7. What restrictions are there upon the legislative powers of the legislature of the State in which you live?

- 8 What legislative power may counties, townships, and cities exercise?
- 9 Mention a number of subjects which may be legislated upon by State legislatures
10. How are the two houses of a State legislature organized and what control have they over their own members?
- 11 Who is the presiding officer of the lower house in the State in which you reside? Of the upper house? How are they selected? What powers do they have? May they vote?
- 12 Name some other legislative officers
- 13 How are committees chosen? Name several important committees of the legislature of the State in which you live. Do all State legislatures have the same kind of committees?
- 14 What is the defect of our committee system, according to ex-Governor Sulzer of New York?
15. What is a joint committee?
16. Explain how committee hearings are conducted in Massachusetts.
- 17 How are bills proposed?
18. What is a legislative reference bureau? Does the State in which you live have one?
19. Who may introduce bills? What restrictions do some legislatures have regarding the introduction of bills?
- 20 Name the stages through which a bill passes in becoming law
21. What is meant by *lobbying*? How does Wisconsin regulate the practice of lobbying?
- 22 Explain the referendum The initiative Does the State in which you live have either or both?
23. Give arguments for and against unicameral legislatures

PROBLEMS FOR DISCUSSION

1. Bound the senatorial district in which you live. Who is your State senator?
- 2 Bound the house district in which you live Name your representative or your representatives
- 3 Has the State in which you live been "gerrymandered" for the advantage of either party, or for the advantage of the rural districts over the cities?
4. If the salary of a State legislator is low it will not prevent candidates who have special interests from seeking election, but what effect does the low salary have upon one who is not backed by any special interests? Will a legislator who receives a low or a high salary be more likely to vote as the people desire?

5. State constitutions commonly restrict the session of State legislatures to 60 days, which means that bills must be passed or rejected because of the calendar rather than after due consideration. Would it not be well for all States to pay their legislators by the year and permit them to prolong the session as long as need be?

6 In the United States there are 48 State legislatures which enact from 35,000 to 45,000 pages of State laws every session. Do you think this is too many legislatures? For instance, if one legislature made laws for all New England, would it not save expense and the confusion resulting from six different sets of laws?

7. Our laws can be no better than the persons chosen to make them. Among the 7500 legislators in State legislatures from 1930 to 1935.

45 per cent had never sat in a legislature before.

66 per cent were serving their first or second term

Why do your legislators serve for such a short period?

8 Recently some 30 States have created *State planning agencies* to act as advisers to the governor and legislature, and to cooperate with the National Resources Committee Does your State have such an agency? Give arguments in favor of such a group.

9 By an Act of the Illinois Legislature passed in 1901 the State election officers are required to submit to the voters, for a mere expression of opinion, questions of public policy if a petition signed by ten per cent of the registered voters is presented, and in 1926 a vote was taken on the desirability of wine and beer

10. If possible examine a copy of the Acts of the legislature and mention a few of the laws passed at its last session (Any lawyer, court clerk, or justice of the peace should have a copy)

11 Do you think a legislator should vote according to the will of the majority of his constituents or that he should use his own discretion regardless of their wishes?

12. Why may a certain number (generally one fifth) of the members voting in either house of the State legislature demand that the vote of each member be recorded in the journal?

13 The constitution of Idaho (Art V, Sec 25) requires the judges of her trial courts to report annually to her supreme court such defects and omissions in the State constitution or statutes as they have observed The supreme court considers these suggestions and makes recommendation to the governor for suitable legislation. Do you favor this practice?

14. Draft a bill in due form for the enactment of any law which you would like to see passed by your State legislature Be careful to prepare a measure which does not conflict with any higher law. The

wording should begin: "Be it enacted by the legislature of the State of _____, that," etc

15. The Constitution of Washington State required an apportionment of membership in the State Legislature according to population every five years, but for thirty years the Legislature failed to act and one Seattle district with 166,000 people had the same number of representatives as Wahkiakum and Skamania, counties with a combined population of 6753. So in 1930 the voters reapportioned the State more nearly in proportion to population. The reapportionment measure carried by a majority of only 795 votes, and only 6 of the 39 counties of the State cast a majority vote in favor of the bill.

At the 1931 session of the Legislature, before the new apportionment took effect, the Legislature submitted to the voters another apportionment amendment providing that each county shall have at least one representative in the House, and that no county shall have more than twenty-one per cent of the members. If you had lived in Washington would you have voted for this amendment?

In a State where one city has more than half the population, do you think representation in both houses should be based on population? What arguments can you advance for county representation in one house and population representation in the other?

16. Some States now have voting machines for their legislatures. For instance, the Wisconsin Assembly has for some years saved about 125 hours a session by the use of a machine which records the votes of all members in less than a minute instead of ten minutes for a vocal roll call.

When an issue comes to a vote the Speaker turns a key on his desk and proclaims: "Roll call." Thereupon each legislator presses one of three buttons on his desk; and thereby registers either. "Yes," "No," or "Present but not voting." The Speaker inquires. "Has every one voted?" The Speaker then locks the machine which operates to produce a photostatic copy of the roll, showing the vote of each individual and the total recorded vote.

In the gallery, visible to each member, is the name of each member with a white light (yes) and a red one (no) which flash on at the touch of the button on the member's desk.

The machine cost \$12,000 and one electrician is required to operate it during a session.

Do you think that your legislature should purchase such a machine? Give your reasons.

17. The Constitutional provision is that a State cannot be divided, or two States combined, without the consent of Congress and of the

legislature of the State concerned. But when Texas was admitted into the Union, Congress granted her permission to split into five States if she ever desires to do so. Why does not Texas divide and thus have ten senators?

18 The 400 members of the New Hampshire Legislature receive \$200 a biennium; and half that number in Illinois receive \$2500 a session. Suggest reasons for this great difference

19 New Hampshire and Illinois allow traveling expenses home as often as members wish to go Does your State?

20. As a compromise between the one-house and two-house legislatures would you favor one house about the size of the Nebraska Legislature elected on the basis of population; and a second house consisting of ex-Speakers of the House and Lieutenant-Governors or Presidents of the Senate to spend all of their time considering and preparing legislation, with good salaries, and compulsory retirement at a specified age or after serving a specified number of years?

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CHAPTER XXVIII

STATE GOVERNORS

The Office of Governor. — Every State has a governor as its chief executive officer. He is elected by the voters of the State.¹ During colonial days the royal governors did the bidding of the King and often merited the dislike of the people. When the colonists grew weary of British rule their legislatures were able to protect them against despotic acts of the governors.

Thus when they gained their independence they naturally regarded governors with suspicion and looked upon the legislatures as guardians of their liberty. Therefore governors were granted little power in the early constitutions. In addressing the Federal Constitutional Convention of 1787 Madison said, "The executives of the States are in general little more than ciphers; the legislatures are omnipotent."

However, the public have gradually lost confidence in their State legislatures because the character of the legislators has deteriorated. This is due to the fact that the States extended suffrage more rapidly than they educated the voters in the proper use of the ballot. Prejudice against governors has disappeared, and it is realized that it is easier to elect one honest and efficient leader who can be held responsible to the people than it is to elect numerous responsible legislators.

So, recently the governors have been regarded as the guardians of the people's liberty; and constitutional changes have increased the legal powers of the occupant.

¹ In Mississippi the governor must receive a majority of the popular votes of the State as in most States, but in addition to this requirement he must receive a majority of popular votes in more than half of the districts from which representatives are elected for the most numerous branch of the legislature.

The Governor's Powers.—The powers of a governor are usually classified under three heads (1) executive powers, such as appointing officers and seeing that the civil and criminal laws of the State are enforced; (2) legislative powers, such as sending messages to the legislature and vetoing objectionable laws, and (3) judicial powers such as pardoning persons convicted of crime.



THE GOVERNOR'S MANSION, RICHMOND, VIRGINIA

Executive Powers of the Governor.—A State constitution almost invariably provides that the governor shall take care that the laws of the State are faithfully executed, but to him is never given such power for the performance of this duty as is given to the President of the United States

In most of the States the more important State officers, such as the secretary of state, attorney-general, auditor, and treasurer, are still elected by the people. Judges also are elected by the people in most States. Sheriffs and state's attorneys are elected by the people with few exceptions. Thus, the governor is merely one of a number of officers whom the people elect to enforce

the laws, and if the other officers do not perform their duties in an efficient and honest manner the governor is often helpless.

A story is told of a sheriff who permitted a prisoner to be taken from his jail and lynched. The governor wrote a letter to the sheriff reprimanding him for his neglect of duty. The sheriff promptly replied by telling the governor to mind his own business; that he was responsible to the people of his county who had elected him and to nobody else. According to the law of his State the sheriff was right. It may be said that a governor is the captain of a Ship of State which is navigated by a crew that he does not select, and over which he has few powers of command.

As commander-in-chief of the State militia, the governor has a real power. When a riot occurs, when a prisoner is in danger of being lynched, or when a strike cannot be handled by local officers, the governor may call out the militia (National Guard).

State Police — A third of the States have regular State police. For example, the governor of Massachusetts has a small body of State police to assist him in the enforcement of the State laws. It acts as a detective force to aid in the suppression of disorder and in the enforcement of criminal laws. It also performs such other functions as the inspection of factories and the investigations of fires. The governor of Texas has four companies of Rangers to patrol the Mexican Border. The largest State police forces are those of Pennsylvania and New York.

The Pennsylvania State Police Force was created in 1905. Previously the governor was supposed to maintain peace and order throughout the entire State — 45,000 square miles — with no one to assist him but his secretary and his stenographer, as one governor jocularly remarked.

This force of 1060 officers and men is divided into five troops, which occupy barracks in different sections of the State. There are also numerous sub-stations in the region of each barrack. These police not only act upon the orders of the governor, but cooperate with peace officers of any community to prevent riots,

STATE GOVERNORS

STATE	CAPITAL	TERM OF SERVICE (YEARS)	ANNUAL SALARY
Alabama	Montgomery	4	\$ 6,000 and residence ¹
Arizona	Phoenix	2	10,000
Arkansas	Little Rock	2	6,000 and house rent
California	Sacramento	4	10,000 and residence
Colorado	Denver	2	10,000
Connecticut	Hartford	2	12,000
Delaware	Dover	4	7,500
Florida . .	Tallahassee	4	12,000 and residence
Georgia . .	Atlanta . .	4	12,000 and residence
Idaho . .	Boise	2	7,500
Illinois . .	Springfield	4	12,000 and residence
Indiana . .	Indianapolis	4	8,000 and residence
Iowa . .	Des Moines	2	7,500
Kansas . . .	Topeka	2	8,000 and residence
Kentucky	Frankfort	4	10,000 and residence
Louisiana	Baton Rouge	4	12,000 and residence
Maine . .	Augusta	2	5,000 and residence
Maryland	Annapolis	4	4,500 and residence
Massachusetts	Boston	2	10,000
Michigan	Lansing	2	7,500 & \$5,000 expense
Minnesota	St Paul	2	8,500
Mississippi . .	Jackson	4	7,500 and residence
Missouri	Jefferson City	4	10,000 and residence
Montana	Helena . .	4	7,500 and residence
Nebraska . .	Lincoln	2	7,500 and residence
Nevada . . .	Carson City	4	7,000 and residence
New Hampshire	Concord	2	5,000
New Jersey	Trenton . .	3	20,000
New Mexico	Santa Fe	2	10,000 and residence
New York . .	Albany	4	25,000 and residence
North Carolina	Raleigh	4	10,500 and residence
North Dakota	Bismarck	2	6,000 and residence
Ohio	Columbus	2	10,000 and residence
Oklahoma	Oklahoma City	4	6,500 and maintenance
Oregon . .	Salem	4	7,500
Pennsylvania	Harrisburg	4	18,000 and residence
Rhode Island	Providence	2	8,000
South Carolina	Columbia	4	7,500 and residence
South Dakota	Pierre	2	3,000 and residence
Tennessee	Nashville	2	8,000 and residence
Texas	Austin	2	12,000 and residence
Utah . .	Salt Lake City	4	6,000 and residence
Vermont	Montpelier	2	5,000
Virginia	Richmond	4	10,000 and residence
Washington	Olympia	4	6,000 and residence
West Virginia . .	Charleston	4	10,000 and residence
Wisconsin	Madison	2	10,000 and residence
Wyoming . .	Cheyenne	4	8,000 and residence

¹ Furnishings, heat, and light are supplied in most States and the wages of servants are paid in some States.

lynchings, or unusual crimes Disguised as civilians, they often detect serious crimes, where county detectives are not provided They enforce motor-vehicle laws, quarantines, school laws, and dog laws. They raid disorderly resorts, gambling houses, and "bootlegger" joints; pursue criminals, act as game and fish wardens, and extinguish forest fires.



INSPECTION OF THE PENNSYLVANIA STATE MOTOR POLICE

Members of this force are carefully selected and instructed in their duties. They are required to pass a mental and physical examination and to prove their honesty, moral character, and sobriety. They must also undergo a course of study given by the School Troop in the following subjects. cavalry drill, horsemanship, practical self-defense, and marksmanship; criminal law, fish, game and forestry law; investigation of crimes and criminal procedure; methods of handling individuals, crowds, and mobs, geography and civil government

Appointments. — Most governors choose appointive officers for terms that do not coincide with their own term. They are more effective if they can appoint a cabinet, and "fire" members if harmony demands it

Institutions. — State benevolent, educational, and penal institutions have commonly been administered by a great number of boards appointed by the governor. The system has proved inefficient and expensive, and many of the States have centralized the control of these institutions in an ex-officio or appointive board of control. An interesting example of this is the Board of Administration created in Kansas in 1917. This board is composed of four members, of whom the governor is one and chairman. The other three members are appointed by the governor and senate. It supersedes the separate boards for the benevolent, educational, and penal institutions of the State. The law requires this board to employ for all the institutions under its control a business manager, who is expected to be the real administrative head of the board.

Legislative Powers of the Governor. — The governor is considered the head of the executive branch of government, yet his power to influence legislation is just as strong as his executive powers. He has three legislative powers: (1) to send messages to the legislature, (2) to call an extra session of the legislature, and (3) to veto bills passed by the legislature.

Governor's Messages — The message power has not been used by governors to the extent that the constitutions allow. A weak governor will send a formal message to the legislature when it meets, recommending legislation which the annual reports of the State officers bring to his attention. His message is read to the two houses sitting together, and the various recommendations are distributed to the appropriate legislative committees by the speaker of the House of Representatives. This is often the end of the matter.

A strong governor will send a number of short messages, and "get back of them" — one at a time. In fact, a governor has the right to make his recommendation in the form of a bill if he chooses, but it is wiser to take a number of members into his confidence and have a chairman of a legislative committee introduce a bill containing his ideas.

In 1913 the Illinois House of Representatives adopted a rule providing that a bill which a governor has had introduced shall have precedence in the consideration of the House over all other measures except appropriation bills.

Extra Sessions. — For any reason that a governor thinks sufficient he may call an extra session of the legislature. In 1936 the governor of Pennsylvania called an extra session to enact a measure that would produce \$7,500,000 for unemployment relief by June, 1937. And in 1936 Governor Landon of Kansas called a special session to approve the amendments to the State constitution designed to increase the participation of Kansas in Federal social security laws. During 1933 the governors of 43 States found it necessary to summon extra sessions. Some States needed immediate unemployment relief, some needed new taxes to balance the budget, and some provided for a constitutional convention to consider the repeal of prohibition.

The Veto. — With the exception of North Carolina all States give the governor power to veto bills passed by the legislature, though such veto may be overridden by a subsequent vote of the legislature.¹ Usually when a bill is sent to the governor for his signature, he is allowed from three to ten days in which to take action.² In case the governor does not approve a bill he may veto it in its entirety, and in nearly all States he is allowed to veto undesirable "items" in appropriation bills.

In order to check extravagance, most of the States allow the governor to veto specific items in a general appropriation bill. However, this power of the governor encourages legislators to vote appropriations in excess of the revenues in order to comply with the wishes of the various institutions seeking State aid, and

¹ In two thirds of the States the legislatures are permitted to override the veto of the governor by the repassage of a vetoed bill with a two-thirds vote in each house. In Delaware, Maryland, and Nebraska a majority of three fifths is required, and in a few States a bare majority is sufficient to overcome his veto.

² The period allowed the governor after adjournment is longer in some States. For instance, it is 20 days in Oregon.

thus "put it up to the governor" to veto numerous items so that the total amount appropriated will come within the revenues of the State

In some States the veto is used quite freely. On occasions more than half of the bills passed have been vetoed. In 1931 one governor vetoed 69 of the 208 bills passed, and eliminated a number of items from other bills. The vetoed bills included one creating a State income tax, one regulating marriage, a uniform traffic code passed in agreement with neighboring States, a bill to permit the city manager form of government, one permitting a district to develop irrigation, a reapportionment bill, and one requiring voters to declare their party preference when registering.

Judicial Powers of the Governor. — Nearly all of the governors have some power of mercy towards persons accused or convicted of crime. It may be to remit fines, to shorten jail or penitentiary sentences, to pardon a prisoner conditionally or absolutely, to postpone the execution of a death sentence, or to change a death sentence to a penitentiary sentence. That is, a governor may have all or some of these powers, but these powers are commonly shared by a State board of pardons. A governor of New York once pardoned a prisoner on condition that he would not make capital of his notoriety by posing for motion pictures or appearing on the vaudeville stage.

The primary purpose of the pardoning power is to release prisoners who have been proved innocent after being sentenced; but one governor pardoned some hundreds of prisoners because he thought the penitentiary as then conducted would do the convicted persons more harm than good, and another pardoned about a thousand because he thought the sentences were out of proportion to the offenses. This arbitrary use of the pardon power is dangerous because it encourages the so-called "lynch law." If one man can overturn the opinions of many jurors, there is danger that the people will take the enforcement of law into their own hands.

Miscellaneous Duties of the Governor are to serve on innumerable *ex-officio* boards, receive official visitors, attend official functions, hear persisting applicants for appointment, meet with party leaders, wade through stacks of documents, sign official papers, make a speech to every cross-roads organization, and in some States dry the tears of mothers whose husbands are in the penitentiary.

Removal of the Governor. — In most States the lower house of the Legislature may impeach a governor, and the senate sits as a court and may remove him by a two-thirds vote. In about a fourth of the States the Governor may be removed by the recall. If a prescribed number of voters sign a petition for his recall, an election is held in which the majority of voters decide whether he shall be expelled from office.

Conference of Governors. — In 1908 President Roosevelt called a Conference of Governors at the White House to confer in regard to the conservation of the natural resources of the country. Since then the Governors have held an annual conference at one of the State Capitals for the purpose of discussing uniform laws, interstate good-will, and the interchange of State experience. These Conferences have developed into social gatherings for busy governors, and few uniform laws result.

The Council of State Governments (called "Cosgo") is a new organization which is attempting to bring about cooperation among the States. It has headquarters in a new "interstate capitol" building in Chicago. It arranges annual meetings of State officials called General Assemblies, and it has persuaded most States to create a State Commission of Interstate Cooperation to promote uniform laws, reciprocal agreements, or interstate compacts.

A State Commission of Interstate Cooperation commonly consists of five *ex-officio* administrative officials, five senators, and five members of the lower house.

Problems promoted by Cosgo are flood control in New England; sanitation, power, and navigation in the Delaware River

Basin, water conservation in the dry regions of the Northwest; transient relief and settlement laws; crime control; uniform taxation, milk control, liquor control; and conservation of wild life.

Executive Officers. — In most States the following offices exist and, except in those States that have made progress in administrative consolidation, the officers are popularly elected and are more or less independent of the governor.

The Lieutenant-Governor. — There is a lieutenant-governor in three fourths of the States, and he is elected by the people. He serves when a governor is absent from his State or incapacitated for duty. He is *ex-officio* president of the Senate in all of these States except Massachusetts, but has a vote only in case of a tie. In most States he succeeds to the governorship if for any reason the office becomes vacant. In one fourth of the States the duties of a lieutenant-governor are performed by the president of the Senate, who is elected by the Senate.

The Secretary of State is the chief clerk and records the official acts of the governor and legislature, has charge of various State papers and documents, and performs other miscellaneous duties.

The Auditor or Comptroller (found in all but three States)¹ audits the accounts of State officers charged with the collection or disbursement of State funds. No money may be drawn from the State treasury without a warrant drawn by him; and he will not issue a warrant until he is satisfied that the expenditure is in all respects legal. In the different States he performs various other functions connected with the proper collection and disbursement of the public funds.

The State Treasurer receives the State moneys for safe keeping and pays them out only upon warrants (orders) from the comptroller, auditor, or other designated officer.

The Attorney-General is the principal law officer of the State. He gives legal advice to the governor and other executive officers.

¹ The Secretary of State is *ex-officio* auditor in Oregon and Wisconsin, and in New Hampshire the duties are performed by the governor.

and represents the State in court if the case is of sufficient importance.

*The Superintendent of Public Instruction*¹ is the head of the public school system of the State, along with a school board which is found in most States. He issues regulations for the schools and sees that the school laws are enforced. He distributes school funds and collects school statistics for his regular reports.

Additional Officers and Boards or Commissions exist in great numbers but vary from State to State. A State function may be performed by a director or a superintendent or a commissioner or by a board or by a commission. The following are typical

(1) *Boards for State Institutions* such as charitable, correctional, or educational institutions,

(2) *Boards to Supervise State Functions* such as board of health, board of agriculture, and highway commission;

(3) *Boards to Supervise Commercial Corporations* such as railway or public service commission, banking commission, and insurance commission; and

(4) *Examining Boards* such as board of medical examiners and civil service commission

Administrative Consolidation. — As one function after another was added to the work of the State government, offices, boards, and commissions were established in a haphazard fashion, independent of one another, to care for the new tasks. Some States had over 100 such independent establishments, and their duties and functions often overlapped. Not only was there duplication of effort, but a lack of coordination between the separate agencies. The officers of the administration were usually elected by the people, thus making the governor responsible for persons he probably would never have chosen for his administration. All of these defects led to a general waste of funds in State government

¹ In some States this school officer bears a different title

In the past 30 years about 40 of the States have undertaken steps to reorganize their systems of government. The general trends are (1) to consolidate into a few major departments the dozens of independent agencies existing heretofore; (2) to have a departmental head, appointed and removable by the governor, in full charge of each department; (3) to develop executive budget control and centralized purchasing power for the State.

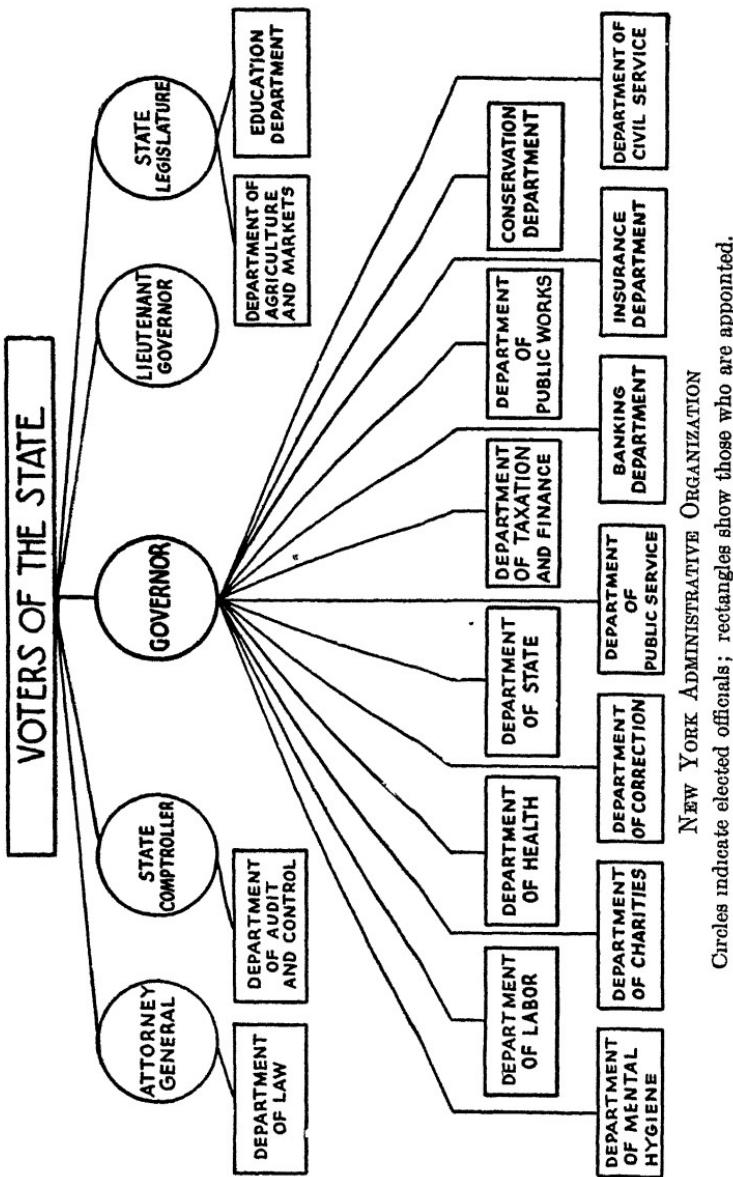
As a check on the administration and its use of funds, a State auditor is commonly elected by the voters, or, perhaps better, appointed by and responsible to the State legislature. He should audit all accounts kept by the administration and report on the financial condition of the State to the legislature and to the people.

Wherever there are functions of a legislative, judicial, advisory, or inspectional character within a department, a board or commission may advantageously be attached to the department to perform any one of these duties.

A chart of the 1927 consolidation of the administration of the State of New York is on the following page.

Proper Relationship of the Governor to the Legislature and to Boards or Commissions Illustrated. — Whether or not the State shall have a system of State highways is for the Legislature to decide. Whether roads shall be State highways is also for the Legislature to decide. Who shall construct the highways and how much money shall be expended are likewise questions for the Legislature to decide. If the Legislature prescribes a highway program, and creates a highway commission to be appointed by the Governor to carry out the program, it is the commission's duty to build the highways, not the Governor's.

The Governor has nothing to do with how, when, and where the roads shall be built. His duty is to appoint the commissioners, and see that they carry out the program prescribed by the Legislature. He should, however, have administrative power to see that the commission sets up an efficient organization and



Circles indicate elected officials; rectangles show those who are appointed.

NEW YORK ADMINISTRATIVE ORGANIZATION

does not waste the State's money He should therefore have the power of removal as well as the power of appointment

QUESTIONS ON THE TEXT

- 1 By what title is the chief executive officer of each State known?
- 2 What did Madison mean when he said, "The executives of the States are in general little more than ciphers; the legislatures are omnipotent"? Does this condition remain true?
- 3 How do the powers of a governor compare with those of the President?
- 4 What executive powers has the governor?
- 5 What is meant by the statement that "a governor is the captain of a Ship of State, which is navigated by a crew that he does not select, and over which he has few powers of command"?
- 6 Describe the manner in which the State police in some States assist the governor in enforcing the laws
- 7 Is the appointive power of the governor on the increase or decrease?
- 8 Name the three legislative powers of the governor
- 9 Explain the use which a strong governor makes of messages
- 10 Under what circumstances does a governor call an extra session of the legislature?
- 11 Under what condition may a bill become law in the State in which you live, if vetoed by the governor?
12. What advantage results from the power possessed by most governors to veto specific items in appropriation bills? What unpleasant duty is often shifted from the legislatures to the governor as a result of this power?
- 13 What judicial powers has a governor?
- 14 Under what conditions should a governor grant pardons?
- 15 Describe the Council of State Governments, and explain its purpose

PROBLEMS FOR DISCUSSION

- 1 Who is the governor of the State in which you live? May he succeed himself as governor?
- 2 In New Jersey no executive officers of the State are elected by the people except the governor With all the interest centered in the

governor, it is easy to express intelligent opinions at the polls. Would you favor having the State executive officers appointed by the governor in your State?

3. Should a governor have power to remove sheriffs, prosecuting attorneys, and mayors when in his judgment they are guilty of neglect or inefficiency in the discharge of their duties?

4. Should a governor have power to grant pardons alone or only upon the recommendation of a State board of pardons?

5. The Michigan State Police have ingratiated themselves with the public through emergency services. For instance, every police car is equipped with a fire extinguisher, a respirator, and a first-aid kit. In an emergency, the car can be converted into an ambulance. For the troubled motorist they carry tire patches and extra gasoline. Should policemen assume the attitude of authority or of service? Should individuals dread policemen or realize that they are friends?

6. New York State keeps a small percentage of its employees' salaries each month and pensions them when they retire. When Governor Smith retired after serving the State in some capacity for a quarter of a century he was granted an annuity of \$6100 for the rest of his life. Does your State have such a pension system?

7. Employees in most cities and nearly half of the States enter office through competitive examinations for permanent tenure; and in New York State it is a crime to discriminate even in private employment because of race, color, creed, or national origin. Five \$10,000 commissioners enforce this law and promote friendly relations. Discuss.

8. New York State has a school for police which trains police for any locality. Would you consider such training worth while for the policemen of your State?

9. New York towns can have State Police permanently by paying their salaries. Why may these State Police be superior to police chosen locally?

10. Between the years 1870 and 1890 the State of Pennsylvania supplied the bulk of the lumber for the entire United States. Six million acres are to-day desert because of unextinguished cigarettes and careless methods of logging. With the forests gone, the soil washed from the hillsides, springs dried up, water power declined, and in summer some regions had to be supplied with water by trains of tank cars. While Gifford Pinchot was Forest Commissioner and then Governor of the State, he had millions of seedling trees produced and planted in State forests or given to farmers to plant in their wood lots. He tried to persuade the State to appropriate \$25,000,000 to purchase and plant five million acres of rough hillsides. He estimated that

after forty years it would yield an annual income equal to the total appropriation Would you favor such a program for your State?

11. In Georgia an unemployed white World War veteran robbed a poor grocer of \$5.58 — all that he had — at the point of a pistol; and the veteran was sent to the chain gang. He escaped and was discovered in New Jersey, and the Governor of Georgia requested his extradition. The hearing in the Assembly chamber in Trenton, N. J., was like an old-time slavery meeting. Georgia had come to take the fugitive back to one of its chain gangs. In a dramatic defense the chain gang was pictured as an inhumane institution, and for this reason and others the Governor of New Jersey denied the request for extradition. Do you think the fugitive should have been returned?

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AN ELK IN THE SERVICE OF THE NEW YORK STATE POLICE
Jargo is believed to be the only harness-broken elk in this country. The animal was born at the barracks of Troop C at Binghamton.

CHAPTER XXIX

STATE COURTS

Dual System of Courts. — Each of the forty-eight States of the Union has its own system of courts to interpret its laws, to apply them to controversies brought into court, and to administer justice. The primary duty of the highest State courts is to interpret the laws, and that of the lower courts to apply them to the controversies brought to them for settlement.

Besides these State courts, and independent of them, is a system of Federal courts extending throughout the United States. These Federal courts have jurisdiction of a limited class of cases enumerated in the Constitution of the United States. (See United States Constitution, Art III, Sec. 2.) The State courts hear all other cases.

Organization of State Courts. — The lowest courts of each State are commonly called Justices' Courts. Each township or other local district has at least one such court presided over by a magistrate, usually called the justice of the peace. He generally has jurisdiction¹ over most misdemeanor cases² and small controversies between man and man — civil cases³ — concern-

¹ Jurisdiction (Latin *jus* and *dictio*) is the right or power of a court to hear and determine cases brought before it.

² Crimes are of two kinds, misdemeanors and felonies. A felony is the greater crime and may be punished by death or imprisonment, a misdemeanor is the lesser crime and is punished by a fine or a relatively short term in jail.

³ A civil case is a suit brought by one person against another for the enforcement or protection of a private right, or for the prevention or redress of a private wrong. It is distinguished from a criminal case, which is a suit brought by the State against one who is accused of having committed a crime. Officers of the government always prosecute the accused in a criminal case. In a civil case the counsel (lawyer) must usually be paid by the person who employs him. In some cases the judge compels the party losing a case to pay the counsel of the party who wins.

ing money demands (seldom over \$50 or \$100), the ownership of personal property, and wrongs or injuries to property. He is generally denied jurisdiction to determine questions of title to real estate, titles to office, torts to the person, and other like matters of great importance.

Above these local courts are County Courts (called Courts of Common Pleas, or District Courts in some States) which have jurisdiction of civil cases involving greater sums, and of major misdemeanors and minor felonies, or of all felonies. Appeals from the judgments of the justices of the peace can be taken to these County Courts unless it is a matter of the most minor character over which the justice of the peace has final jurisdiction.

In many States Superior Courts exist above the County Courts. These are commonly called Circuit Courts because the judge goes on circuit to the county seats of the counties composing his circuit. In some States these Circuit Courts take the place of the County Courts. These courts have jurisdiction over civil cases involving unlimited sums and over major felonies, or all felonies, in many States.

As the capstone to a State's judicial system there is always one appellate court of last resort, the name of which varies from State to State. For instance, in some States it is known as the "Court of Appeals," and in others as the "Supreme Court of Appeals." This court is appellate because practically all of its cases are appealed to it from the lower courts, few if any originating in it.

In addition to the regular State courts just enumerated, nearly half of the States have a special court for each county known as the Probate Court (called Orphans' Court or Surrogate Court in some States) to probate (prove) wills and qualify executors to execute the wills, or to appoint administrators to administer the estates of persons who have died intestate (without a will). In the other States the County Courts usually perform these functions.

Every State provides for its cities, especially its larger cities, special courts which are known as Municipal Courts. There is usually a Police Court to try persons who have violated city ordinances or minor criminal laws of the State which would ordinarily come before a justice of the peace. There are in some cities special Civil Courts to hear minor civil cases which would ordinarily be heard by a justice of the peace. In a large city there is at least one special court of equal rank with a County or a Superior Court from which appeals may be taken directly to the appellate court of last resort. Some cities have Domestic Relations Courts to settle family quarrels, as between man and wife, parents and child, adult and child.

Courts of Small Claims. — An increasing number of cities have Courts of Small Claims in which one can bring his complaint at an extremely low cost or no cost at all. These courts have no formal pleadings and usually no lawyer. The judge himself directs the examination of the parties and witnesses without formality.

The usual court costs constitute an expense which prohibits small litigation. Small tradespeople have been forced to the practice of wiping all small claims off their books or selling them at about one half to collecting agencies. And the widow who runs a small lodging-house can hardly afford to sue for a month's room rent. Or, the maid hired at \$10 a week who is put off the first week and not paid the second has a valid claim for \$20, but often has not a dollar in her pocket. Because she has not been paid, she cannot pay court costs, in addition to an attorney's fees.

In 1913 the attorney-general of Kansas, learning of a washer-woman who was owed \$3 by a well-to-do man, whom she could not afford to sue because she could not pay the necessary fees, was inspired to have a law enacted allowing counties and cities to create small debtors' courts. According to this law a judge is appointed by the board of county commissioners or the mayor. He serves without pay and may hold court in his home, office,

or some place provided by the county or city. The plaintiff appears before the judge and states his case. If the judge believes him, he docketes the case and the defendant is summoned by mail or telephone. No lawyers may intermeddle in any manner, and the judge may consult witnesses by telephone if he desires. Debts not exceeding \$20 are adjusted and no fees are charged. Therefore, a newsboy was able to sue a subscriber for 45 cents.

The informality of these courts is illustrated by the Cleveland, Ohio, small claims court which is known as the Conciliation Branch. In this court a claim of \$25 was brought by a landlady against a boarder who set fire to the mattress by smoking in bed. The defendant was willing to pay, but disputed the amount. The judge called up a department store, ascertained the price of the mattress, and the matter was settled immediately.

The Special Claims Divisions of the Municipal Court of New York try cases involving less than \$50, and the only fee is \$1.50. In an interesting case a waiter of a spaghetti-house spilled huckleberry pie and coffee on the plaintiff's trousers, which the judge believed to be seersucker. The wife of the plaintiff showed a receipt for \$12.50 and said they "were billed flannel." "God help the dealer's soul," said the judge, as he gave judgment for \$7, plus the cost of \$1.25.

Chicago's small claims branch of the Municipal Court hears cases involving as much as \$200 in a prompt informal manner.

Juvenile Courts to try children have now been established in most cities. In times past children were tried by the same court as adults, and were sent to the same prisons, where they learned the vices of hardened criminals. To-day these special Juvenile Courts are supposed to be presided over by judges who are especially interested in the welfare of children. Instead of sending a bad or criminal child to jail or penitentiary the judge gives him over to a State reformatory unless he thinks he can himself save the child by good advice and the help of a probation officer, an officer who watches children found guilty of minor offenses and placed on probation.

In a very short time one forenoon the judge of a Juvenile Court disposed of the following four cases. No 1 was a fight between two small boys The mother of the larger boy was present and was directed to go into an adjoining room and whip her boy in the presence of an officer No 2 was a young girl brought by her own parents The girl, agreeing to do better, was directed to return to her home and to report weekly to a woman probation officer No 3, a girl, who had previously been on probation, was now accused of stealing. She was turned over to the State Board of Charities and Corrections No. 4 was a young man who accused a boy of annoying his "place of business," a shoe-shining stand Their statements conflicted. When one referred to a reputable witness, they were ordered to return three days later with the witness.

By Lady Stanley
HIS FIRST OFFENSE
An English newsboy before the bar of justice for the first offense

State Judges.—State courts are usually conducted by one judge, except the appellate court of last resort, which consists of three, five, seven, or nine judges, five being the more usual number. These judges are chosen in one of three ways elected by the voters, chosen by the legislature, or appointed by the governor with the consent of the senate Their term of office varies from one year to life or during good behavior, the judges of the higher courts having longer terms than those of the lower courts Salaries vary from nothing (merely fees) for justices of the peace to \$25,000 for Justices of the New York State Supreme Court in New York City The principal duty of a judge is to decide points of law, and also points of fact if there is no jury, and to issue orders for the enforcement of his decisions He often per-



forms other duties, such as appointing certain local officers, and serving on local boards.

Juries. — A jury is a body of persons selected according to law, and sworn to declare the truth on the evidence laid before it. There are two kinds of juries¹ — the grand jury and the petit, or trial, jury.

The Grand Jury. — A grand jury is a body of persons summoned into a court to consider the evidence against persons accused of crimes, and to determine whether the evidence is sufficient to justify a formal trial for such persons. This jury consists of twenty-three jurors or less, according to the State law and the importance of the charges to be investigated. In most States it consists of more than twelve jurors, of which at least twelve must agree that an accused person is probably guilty or he cannot be held for trial, but in some States it may consist of as few as six. When the jury consists of as few as six jurors, five must agree or the accused cannot be held for trial.

When a grand jury is impaneled (selected) the judge instructs the jurors to find a *true bill of indictment* (charge) against all persons whom the prosecuting attorney brings to their attention and whom they think probably guilty. He further instructs them to bring a *presentment* (accusation) against any person whom they of their own knowledge believe to have violated the criminal laws of the State within their county. They swear or affirm that they will do so, and retire to the jury room, where they deliberate in secret. The chairman of the jury, who is appointed by the judge or chosen by themselves, is known as the *foreman*.

The prosecuting attorney for the county brings into the jury room witnesses to testify against the accused and usually questions them himself, but after he retires the jurors may resummon the same witnesses and question them further or may have the court summon other witnesses to testify against the accused. Nobody is allowed in the room with the jurors except the prose-

¹ The so-called coroner's jury is not a real jury.

cuting attorney, and, in some States, his stenographer. All are bound to secrecy.

After all witnesses have been summoned and questioned, the jurors are left entirely alone to deliberate, and when they have completed their finding they proceed to the court-room and their bill of indictment is read in their presence. The bill is recorded



A LAWYER TALKING TO A JURY IN THE COURT ROOM

in the clerk's office and the jury is dismissed if the term has expired; or, if the term has not expired, the jury is adjourned until the court needs it again to investigate other accusations.¹

In a peace-abiding county one grand jury a year is often found to be sufficient, whereas in counties where large cities are located there must either be a number of grand juries during the year

¹ It is not uncommon for a State to impose upon the grand jury duties other than the consideration of evidence against accused persons. For instance, they may be required to approve the erection of public buildings and bridges in Pennsylvania, fix the tax rate in Georgia, investigate the sufficiency of the bonds of county officers in Alabama and Tennessee, arrest persons selling liquor contrary to law or arrest intoxicated persons in Vermont.

or else the same grand jury must sit from time to time during several months, unless the State permits persons to be brought to trial by "*information*"

As a substitute for the grand jury method of bringing persons to trial, more than half of our States permit the judge to proceed with the trial upon an accusation brought by the prosecuting officer. This is called an "*information*". In a rural community grand jurors often possess personal knowledge of crimes that have been committed, but in large cities they seldom have this knowledge and their principal function should be to act upon cases where the evidence is circumstantial or the accused an influential person, and to bring to trial persons whom the prosecuting attorney fails to bring forward for personal reasons.

The Petit Jury — A petit or trial jury is a group of persons summoned into court to hear the evidence on both sides of a case and to decide the disputed points of fact, the judge in most States deciding the points of law. This jury tries both civil and criminal cases. Any one may usually demand a jury trial if the question of life, liberty, or property is at stake.

The number of petit jurors is usually twelve, but in a number of States a lesser number is sufficient in civil cases and minor criminal cases. In the court of the justice of the peace six jurors or less is the rule, though in several States this court, too, may have twelve jurors.

In nearly one third of the States an agreement of two thirds, three fourths, or five sixths of the jurors is sufficient for a verdict in civil cases or unimportant criminal cases. In the remaining States a unanimous verdict is required even in unimportant cases.

The Grand Jury and the Petit Jury Compared. — The same courts that have *grand* juries to *accuse* have *petit* juries to *try* the accused. But some courts which do not have *grand* juries do have *petit* juries. For instance, in most States Justices' Courts may use *petit* juries, though they nowhere have *grand* juries; and courts which have no criminal jurisdiction have no need of *grand* juries. Appellate courts of last resort do not use either

grand or petit juries because they are concerned primarily with points of law which have been appealed to them from the lower courts. A grand jury investigates all indictable offenses committed during its existence, and usually hears only accusations, seldom defenses.

Selection of Jurors. — In scarcely any two States are jurors selected in exactly the same manner, but in all they are selected in a similar manner. Once a year, or oftener, some county official¹ or special jury commissioners, appointed or elected as the law prescribes, prepares a considerable list of persons who are eligible for jury service. In some States any qualified voter of the county in which the court is sitting is eligible, while in others only tax-payers may serve.

In the former States the names can be obtained from the poll books and in the latter from the tax assessors' books. Persons under twenty-one and those over sixty or seventy years of age, criminals, and illiterates are commonly ineligible. In most States other classes of persons, such as State and Federal officials, professional men, foremen, firemen, and State militiamen, are not required to serve.

The chosen names are written on slips of paper and placed in a locked jury box,² which is usually kept in the custody of the clerk of the court. When the court needs a jury the names are drawn from the box by a designated official, and the sheriff is directed to summon such persons by a writ known as a *venire facias*. After eliminating the names of those who, for good reason, cannot serve, the judge makes a list of those who can serve.

¹ This official is usually the clerk of the court, the sheriff, the judge, or county board of commissioners. In the New England States and in Michigan names of jurors are selected by township ("town") officers and sent to a county officer.

² In New Jersey the chancellor (highest judge) appoints for each county a jury commissioner of the party opposed to that of the county sheriff. These two are commissioners of juries and they select names of eligible persons as in other States, but instead of being put into the jury box the names are numbered consecutively from one up, and a piece of metal with a corresponding number is dropped into the box in place of the name.

and returns it to the clerk. This list is known as the *panel of veniremen*.

Grand jurors are commonly selected in the same manner as petit jurors, but in some States a separate list of names is prepared from which grand jurors are selected. Jurors for the justices' courts are commonly selected by the justice himself.

It is a serious mistake for any intelligent citizen to evade jury service. An accused person, who may be entirely innocent, can hardly expect justice from a jury whose members have been chosen from the least intelligent people of a community; nor can law be enforced if the best people evade jury service. Every citizen who feels that he has been endowed with sufficient intelligence to judge the facts of a case fairly, should feel it his duty to organized society to answer willingly the call for jury service.

Arguments for and against the Jury System. — *Affirmative.* — The jury is the fundamental, democratic institution to uphold liberty. It is the great check which the people have upon Congress and the Federal government. It is protection against an arbitrary judge, against government by injunction, against an unscrupulous prosecutor. The jury represents the average sense of justice of a community, and the composite prejudice of twelve jurors is no worse than the prejudice of one judge. Juries help to check the power of wealth. Jurors are freer from political influence than are judges.

Negative. — (1) Selecting a jury is a slow process and causes the judge to get behind with his docket of cases. For instance, in a recent Illinois case it took more than forty days to select twelve men from 887 who were summoned. The cost of selecting this jury was \$35,000.

(2) Friends of a guilty party are often selected for a jury: (a) because so many impartial persons avoid jury service, (b) because the defense can challenge a large specified number of jurors without assigning any cause, whereas the prosecution is allowed to challenge only about half as many, (c) because those officers who select the names to be summoned can sometimes manipulate

the list, and (d) agents of the defense sometimes take a census of those favorable or unfavorable to the accused, as where agents pretending to enlarge pictures visited all the homes of a county

showing a picture of the accused which resulted in expressions of opinion. When the case was called, all those known to be unfavorable to the accused were rejected by the defense.

(3) Jurors are not usually the most intelligent people of the community: (a) because most professional people are exempt from service, and (b) because persons of affairs can usually be excused because of pressing business.

(4) A baker or a banker cannot be expected to transact matters foreign to his daily habits without mistakes — especially when clever specialists exert their best ability to mislead him.

(5) In this technical age civil suits so commonly involve difficult distinctions, as, for example, whether one complex


 © Curtis and Cameron
JUSTICE

This mural in the New York Criminal Court House shows Justice with scales and the globe and cross symbolic of the Christian World. Below are Condemnation with a sword, and Acquittal with a dove of peace

machine encroaches upon the patent rights of another machine.

(6) In selecting a jury a conscientious person admits having formed an opinion regarding the case and is excluded; but a dishonest person answers the questions in compliance with legal requirements.

(7) We assume that some of the jurors cannot be trusted in

any important case because we keep them in confinement during the course of a trial — sometimes even when the accused is enjoying his freedom under bail

(8) Because of the recognized inexperience of jurors we restrict the kinds of evidence which may be admitted. For example, we cannot trust the jurors to hear hearsay evidence or to be told of previous crimes committed by the accused.

(9) Jurors are subject to a sentimental appeal. They see the weeping wife and little children of the accused who are brought into court to produce sympathy, but forget about the widow and children of the victim

(10) Jurors are more subject to prejudice than a judge: (a) because his whole legal training has shown him the importance of government and the necessity of law enforcement for its preservation, and (b) because, in a capital case, if any one of the twelve jurors is prejudiced against a certain law, or a certain race, or a certain sect, he can prevent conviction.

(11) If jurors are not in confinement they are more subject to bribery than one or a few judges. (a) because a judge usually has a reputation to live up to, and (b) because the judge will very likely be impeached and lose a good position if he accepts a bribe

(12) You can pick one or several judges with more care than you can pick thousands of jurors.

(13) Judges do not have to decide a case during the excitement of a case, but can take the matter under advisement for sober reflection.

(14) Serving on a jury is a disagreeable burden to laymen.

(15) The cost of trials would not be increased if misdemeanors and minor civil cases were always tried by one well-trained judge, and if felonies and important civil cases were tried by several expert judges.

(16) One corrupt juror can nullify the votes of eleven honest ones. Our Supreme Court renders decisions by majority vote, but a jury must be unanimous in many cases.

QUESTIONS ON THE TEXT

1. What are the duties of a court?
2. What two systems of courts are there in each State?
3. What classes of cases are brought into the Federal courts? into the State courts?
4. What three grades of State courts are found in every State?
5. What is a probate court?
6. What special courts do cities commonly have?
7. What is a juvenile court? Explain the need of small claims courts. Describe the different types.
8. How are State judges chosen? For what terms?
9. Do judges have any duties other than interpreting law and deciding cases?
10. What is a grand jury? What is a petit jury? How many jurors commonly compose each? How does a grand jury differ from a petit jury?
11. Does the highest State court have jury trials?
12. Who serve on juries and how are they chosen?
13. What is meant by a *true bill of indictment?* *presentment?* *foreman?*
14. Give arguments for and against our jury system.

PROBLEMS FOR DISCUSSION

1. Name the courts in the State in which you live, beginning with the lowest. Tell how the judges for each are chosen (For this information consult your State constitution or your State Manual if there is one.)
2. Name one or more judges and tell what court each presides over.
3. Is it more important that a legislator, governor, or a judge be chosen for a long term?
4. Why are citizens never justified in resorting to lynch law?
5. "The Constitution of New Hampshire provides that when the governor cannot discharge the duties of his office, the president of the senate shall assume them. During the severe illness of a governor recently the president of the senate hesitated to act in his stead, it was not clear that the situation was grave enough to warrant such a course. Accordingly the attorney-general of the State brought an action against the president of the senate for not doing his duty. The court considered the situation, decided against the president of the senate, and ordered him to become acting governor. Why was this necessary? Was it conducted in a hostile spirit? Wherein did the

decision help the State? Wherein did it help the defendant? Wherein may it possibly prove helpful in the future history of the State?" — "Civil Government in the United States," by John Fiske.

6 Most States elect their judges. Why do most students of government think it better to have them appointed by the governor or by the chief justice of the highest court in the State, or elected by the licensed lawyers in the territory in which they serve?

7. Prosecutor Thomas E. Dewey spent several years collecting evidence against New York racketeers, and successfully prosecuted a number. In 1938 he brought to trial a former political leader and accused him of having used his political influence to protect a gambling racket. The trial had been going on for weeks, and this promised to be his greatest achievement, when suddenly the presiding judge ruled that the Prosecutor had asked a question during the trial which prejudiced the jury against the defendant, so he threw the case out of court. At additional expense of thousands of dollars the accused could be tried again. If the judge was right, are inexperienced jurors capable of sifting evidence and making correct decisions?

8. Jury service is so burdensome to business men of cities that some young men refuse to register for voting in order that their names may not be so easily obtained for jury service. Would you favor abolishing juries for civil cases and the less important criminal cases?

9. In Idaho a prisoner charged with threatening a man with a revolver was tried and found guilty by a jury composed wholly of women. Should men be tried by men, women by women?

10. Do you suppose the establishment of a small claims court in your community would help to increase respect for law and government? Do you suppose the newsboy who won a 45-cent suit for a newspaper account became a more patriotic citizen because of the Small Claims Court?

11. The crowded calendars of our courts and the delays and expense of law suits have encouraged the settlement of business disputes by arbitration. Courts are necessary in all criminal and domestic-relations cases because the general public is concerned, and in title-to-real-estate cases because the law is difficult. But simple cases and those where the facts turn upon expert knowledge can be decided by specialists in a particular trade more quickly, and probably with more justice, than by a judge and jury.

For a hundred years the New York Chamber of Commerce has continuously provided for arbitration, and arbitration boards in the motion picture industry annually settle thousands of disputes involving millions of dollars. The American Arbitration Association, with headquarters

in New York City, arbitrated 184 disputes in one year at an average cost of one half of one per cent of the amount involved. This Association has a panel of about 500 experts in their respective fields who agree to act as arbitrators if called upon when matters are submitted to the Tribunal of the Association.

Trade or commercial organizations often incorporate in a contract provisions for arbitration in case any dispute or claim arises. The contract may (1) specify the number of arbitrators and the method of selecting them; (2) merely refer to the State statute; or (3) provide for following the Rules of the American Arbitration Association. Under these rules attorneys may appear as counsel, but in some trade organizations attorneys are barred from the proceedings.

According to statutes passed by New York, Massachusetts, New Jersey, Pennsylvania, Oregon, California, and Louisiana, an agreement to arbitrate civil disputes, except divorces and titles to real estate, is enforceable just like any other contract. If either party refuses to arbitrate, the courts will compel him to do so. Arbitrators may require the attendance of witnesses and demand that documents be submitted. The award of the arbitrators may be recorded in the same way as a court judgment, and can be collected by the officers of the court. The courts may set aside the award of the arbitrators if partiality, corruption, misconduct, or mistake is evident.

Would you favor a law giving legal approval to arbitrated cases in your State? What disputes growing out of the industries of your community would lend themselves to arbitration? (See *Commercial Arbitration* by D Bloomfield, The H W Wilson Company, 1927.)

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CHAPTER XXX

CIVIL AND CRIMINAL PROCEDURE

Civil Procedure. — A civil suit is one between two persons¹ as distinguished from a criminal case, in which the State is the plaintiff against a person charged with a public offense. There are two kinds of civil procedure — *law* suits and *equity*² suits.

For instance, if one owes you a debt, does injury to your person or property, or violates a contract, you can sue him at law for money damages; but if you want to restrain persons from committing wrongs, you must get an injunction (an equity writ), which will direct the individuals to refrain from doing the wrong, or if you desire the specific performance of a contract instead of money damages, or if a person who has property in trust for you refuses to pay you the income, you can sue him in equity.

In cases *at law* the judge usually has a jury to decide the facts, and the witnesses usually testify in court; but in *equity* cases the judge usually decides the facts himself without a jury, and

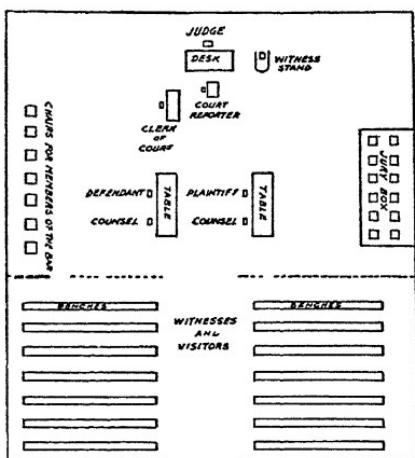
¹ One or both persons may be artificial, *i.e.*, a corporation, such as the Pennsylvania Railroad Company or the U. S Steel Corporation

² *Equity* is a branch of law which developed alongside of common law. Most of the early English law was developed by courts instead of by parliament. The judges of the courts in time became conservative and ceased to create means of obtaining justice as new conditions demanded. They had certain forms, called "court writs," upon which one had to state his case. If he could not state it on one of these forms, he could not bring suit in court. Aggrieved persons appealed directly to the king for justice. The appeals became so numerous that the king created a new court, called Chancery Court, to administer justice by deciding in a conscientious and equitable manner cases in which justice could not be obtained at common law. Hence grew up a branch of law known as *equity*, with a distinct set of principles and writs.

The American States retained these two branches of law, but in all States except New Jersey the same judges hear cases both at law and in equity.

instead of having the witnesses in court he often appoints a "referee" to hear the evidence and report it to him in writing. The two kinds of suits are illustrated as they would proceed in Virginia, for they would proceed in a similar manner in other States.

Suit at Law. — Suppose Mr A, a passenger, has received bodily injury from a railroad wreck in Albemarle County, say on the Southern Railroad, and brings suit for \$5000 damages



PLAN OF A COURT Room

unless the lawyers, known as the counsel for the plaintiff and defendant, are willing to dispense with a jury. The judge also must agree to decide the facts of the case, as well as the law, else the jury cannot be dispensed with. If a jury is impaneled it will decide all disputed facts, as, for example, whether Mr A. was in fact injured, to what extent injured, and hence how much damages he should receive; whereas the judge will decide all points of law and instruct the jury as to the law.

After the counsel for each side argues the facts of the case, the judge instructs the jury as to the law and the jury retires to the jury room. After deliberation, if the jury can agree upon the

Here Mr A. is the *plaintiff* and the Southern Railroad Company the *defendant*. Mr. A. will have his lawyer file his claim against the Southern Railroad Company with the clerk of the court in Albemarle County. The railroad company will deny A.'s right to \$5000 damages, by a plea, and will have its lawyer represent it in court

When the judge holds court in Albemarle County a jury will be impaneled

amount of damage done Mr. A., it renders a decision, called a *verdict*. If the jurors cannot agree, it is a mistrial and the case may be tried again. The judge finally gives *judgment* in accordance with the verdict of the jury. In this case if the judgment is in favor of the plaintiff, the defendant may appeal the case to the Supreme Court of Appeals, because damages exceeding \$300 are involved. Or suppose it accepts the decision but fails to make prompt payment of the damages awarded; then the clerk will issue an execution to the sheriff or a constable directing him to levy execution and sell the personal property of the defendant. If there is no personal property the court may authorize the sale of real estate.

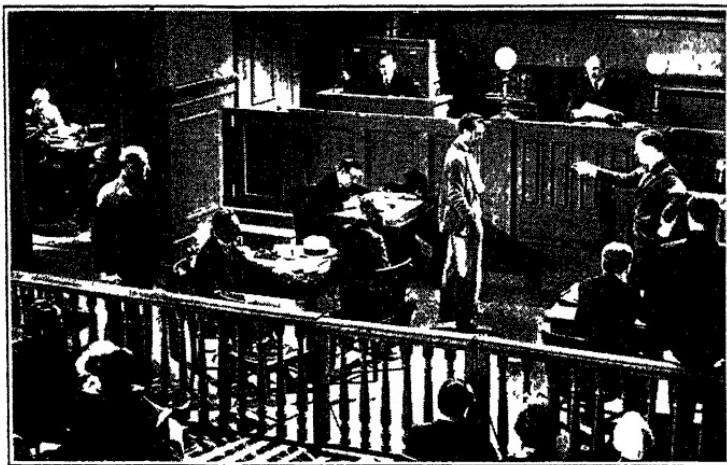
Suit in Equity. — Suppose X, a farmer, has a fresh stream of water running through his farm and by his house, which he uses to water his stock and which his wife uses for washing clothes. Y establishes a large creamery on this stream above the farm of X. The creamery empties greasy water and acids into the stream to such an extent that it produces a stench at the farmer's home, his cattle refuse to drink the water, and the water can no longer be used for washing clothes.

X. will have his attorney file suit with the clerk of the court to enjoin (forbid) Y from emptying the grease and acids into the water, and the clerk will have the sheriff notify Y. that suit has been brought. A jury is not needed to decide the facts, and witnesses need not appear in court¹. A master in chancery, notary public, or justice of the peace gets the counsel for each side together at some convenient time and place to take *depositions* (question and cross-question the witnesses), which a stenographer takes word for word. These depositions are given to the judge, and the counsel for the plaintiff and for the defendant argue the points of law and evidence before the judge in court or in vacation.

If the judge is not satisfied as to the facts perhaps he will go

¹ In some States the evidence would be taken in open court, the lawyers and judge asking questions of the witnesses.

to the scene, call witnesses before him, or order the master in chancery to make further investigation as to certain facts. With the facts and the law both presented, the judge is prepared to render a decision, called a *decree* in equity cases. If the judge decides that the injury to X is as claimed, he will decree that Y. must cease emptying grease and acids into the stream.



A TYPICAL COURT SCENE

A District Court is usually presided over by one judge, and in civil equity cases decrees are usually rendered without a jury.

The court costs of a civil suit such as witness fees, jury fees, and recording fees are usually placed by the court upon the party losing the case, and sometimes some costs are granted with which to pay lawyers, but each party usually pays his own lawyers.

Crimes. — A crime is an act or omission which is prohibited by law as injurious to the public and is punished by the State in a proceeding in its own name or in the name of the people thereof. Crimes may be immoral in themselves, such as murder or burglary, or they may be acts considered as crimes only because they have been prohibited by law, such as exceeding the speed limit in an automobile or failing to remove snow from the sidewalk. Crimes are of two degrees — felonies and misdemeanors.

Felonies are crimes of a more serious character than misdemeanors. They vary so much from State to State that no general definition of them can be given, but in many States all crimes which are punishable by confinement in a State penitentiary or by death are defined as felonies. The following crimes are almost universally classed as felonies.

(1) *Murder in the First Degree* generally means the unlawful, intentional, and premeditated killing of a human being, or such a killing resulting from the commission or the attempt to commit one of the graver crimes such as arson, burglary, or robbery. Such crimes are punished in about a fourth of the States by death, in about half by death or life imprisonment, and in the remaining States by long terms in the penitentiary — usually for life.

(2) *Murder in the Second Degree* generally means the unlawful, intentional killing without premeditation, or such killing as a result of an attempt to commit some lesser crime. It is punished by imprisonment varying from a minimum of one year in a few States to a maximum of life in many States, and even death in several.

(3) *Manslaughter* is the unlawful killing of another without malice. The killing may be voluntary, upon a sudden heat of passion; or it may be involuntary, in the commission of some unlawful act or a lawful act without due caution. Many States divide manslaughter into two degrees. It is punished by imprisonment for a term ordinarily shorter than that for murder in the second degree. Great discretion is given to the jury or judge.

(4) *Arson* is the act of unlawfully and maliciously burning a building. It is more serious if done at night and most serious if an inhabited dwelling is burnt at night.

(5) *Burglary* is the breaking and entering of a dwelling house during the night, with the intent to commit a felony therein, whether the felony be actually committed or not. In some States so entering other buildings is burglary. The same offense is called housebreaking if committed during the day.

(6) *Robbery* is the theft of property from the person or in the immediate presence of the victim, accompanied by force or fear.

(7) *Larceny* is simply theft, and *grand larceny* is the theft of property above a fixed value, generally from \$25 to \$50. In a number of States to steal any amount from the person of another without force or fear is considered grand larceny.

Arson, burglary, robbery, grand larceny, assault with intent to kill, bigamy, perjury, forgery, and embezzlement are commonly punished by a considerable term of imprisonment. Burglary may be punished by death in one State, robbery by death in two States, and arson by death in six States.

Misdemeanors are crimes of a less serious character than felonies and, like felonies, cannot be defined by any general definition which will apply to all States. For instance, in Virginia offenses which are punishable with death or confinement in the penitentiary are felonies, all other offenses are misdemeanors. In the same State the following crimes are misdemeanors and, in general, would be so classed in other States: violation of town or city ordinances, carrying concealed weapons, cruelty to animals, attempting to defraud a hotel-keeper, petit larceny, which is a theft less than a grand larceny, nonsupport of wife and minor children, permitting a gambling house on one's premises, libel, assault and battery. These misdemeanors are punishable by confinement in jail or by fine. But such misdemeanors as drunkenness without disorder or profanity are punishable by fine only. In such cases if the person who has been fined cannot or will not pay his fine, he may be sent to jail according to the law of many States.

Criminal Procedure. — *Arrest of Felons.* — A private individual may arrest a person to prevent the commission of a felony in his presence, or may, without a warrant, arrest a felon whom he has seen commit a felony, or may even arrest one without a warrant on reasonable suspicion of his having committed a felony, provided a felony has been committed.

An officer of the peace (sheriff, constable, police) may do any-

thing a private person may do. He should furthermore pursue a felon who is making his escape though he has not actually seen the crime committed. If the police, constable, or sheriff does not attempt to arrest a felon, the prosecuting attorney will usually take the initiative and have the suspected felon arrested.

The injured party or anyone knowing of the crime may go to a justice of the peace or some other magistrate who has power to issue a warrant and, by taking oath as to the crime, have a warrant issued for the arrest of some designated person, provided the magistrate is satisfied as to the truth of the complaint. The *warrant* is a written document describing the felon, setting forth the offense, and directing that he be brought before some specified magistrate, usually the one who has issued the warrant. A policeman, constable, sheriff, or any other peace officer may make the arrest ("serve the warrant") and bring the felon before the proper magistrate for trial. In making the arrest the officer may call upon any persons to assist him, may break into a building, or may kill the felon if *necessary*. By "necessary" is meant self-defense or preventing the escape of one who has committed a felony.

Arrest of Misdemeanants — A private person may arrest another without a warrant to quell a breach of the peace in his presence, but he may not arrest one to prevent any other misdemeanor; nor may he arrest one for any misdemeanor already committed. A peace officer may arrest without a warrant for a breach of the peace or any other misdemeanor committed in his presence. If the misdemeanor was not committed in his presence he can arrest only on a warrant. The same magistrates who issue warrants for felons may issue them for misdemeanants, and arrests are made by the same officers in the same manner except that an officer is never justified in killing a misdemeanant fugitive, though of course he has the right of self-defense.

The Commitment — After the accused is arrested he is brought before the magistrate, usually the justice of the peace, except in cities where there is a special police justice, or in towns in which

the mayor has the powers of a justice. If the crime is a misdemeanor the accused is probably tried at once. If the crime is a felony the magistrate gives the accused a preliminary hearing: and when the evidence indicates a probability of guilt, the accused is held for the grand jury, or brought to trial by *information*. If the crime is murder the accused is usually committed to jail, but otherwise, unless his being at large is considered especially dangerous, he is released until the grand jury meets, provided he can give bail.¹

The Indictment. — The *prosecuting attorney*, called state's attorney or district attorney in some States, investigates the evidence against such persons as the committing magistrates have held for the grand jury, or against any other persons whose probable guilt has been brought to his attention. If he thinks there is evidence against any such person which will probably convict, he draws up a *bill of indictment*, a written document stating the charge, and has witnesses summoned for the grand jury.

If a certain majority of the grand jury, which majority varies from State to State, thinks there is sufficient evidence to warrant a court trial, the foreman writes across the face of the indictment the words, "a true bill" (of indictment), and the indicted person must stand trial in court. If the prescribed majority does not think that the evidence justifies a trial the words "not a true bill" are used, and the accused is discharged, if he has already been committed.

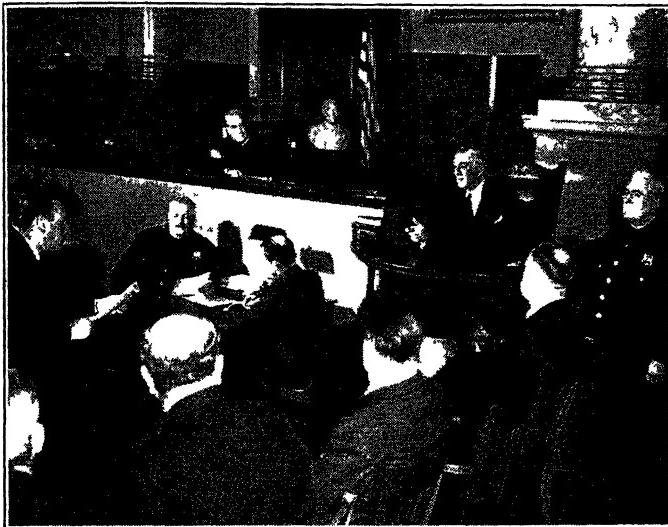
The Trial — The justice's court usually has original jurisdiction in misdemeanor cases, and here the trial is very informal

¹ Furnishing bail (Old French *bail* = a guardian) is theoretically putting a man in charge of a private jailer and in effect is the guarantee that an accused person will appear for trial if allowed to go at large. It is usually a sum of money, depending upon the character of the charge, and is determined by a judge or special bail officer. The cash, or other security, may be furnished by a friend or by the accused himself if he possesses the amount required.

Professional criminals often secure bail through one who makes a business of going bail for a fee. And too often the criminal commits another crime while out on bail to secure money with which to pay his bail fee.

because justices of the peace are not always lawyers and must depend upon what untrained minds can glean from a volume of laws compiled for their use. With few exceptions an appeal may be taken to the county or superior court in criminal cases.

In felony cases sent to the county or superior trial court by the grand jury the prisoner appears in the custody of the sheriff, deputy-sheriff, or some like officer who perhaps bears a different



Harold M. Lambert

A COURT ROOM SCENE

title. In misdemeanor cases sent from the grand jury or appealed from a justice of the peace the prisoner need not appear in person. He often prefers to leave his case to an attorney. But a felony case cannot proceed unless the accused is present.

The prisoner is charged with committing a crime against the State¹ and is prosecuted by the prosecuting (state's) attorney of

¹ For a great many acts a person may be proceeded against criminally by the State because he has disturbed the peace of the community generally, and also in a civil action by a person because the latter has been injured individually. If a man libels you by an unlawful malicious publication and

the county. The clerk of the court reads the indictment or presentment to the prisoner, who pleads "guilty" or "not guilty." If he pleads guilty, and is of a sound mind, the judge usually pronounces the sentence according to the State law, and the case ends. But if he pleads not guilty he is entitled to a trial by jury if he desires it, and in some States one accused of a felony is obliged to stand trial by jury. If the prisoner cannot afford an attorney the judge appoints a lawyer, commonly a young inexperienced one, to defend him. In most States this attorney is paid a small fee by the State.

There are usually about twice as many persons summoned as are needed for the jury, but when the court meets, the counsel may challenge a certain number, which is limited by law, without giving any cause, and the judge will excuse such veniremen. Then the counsel may challenge any other veniremen for cause, such as relationship to the parties to the suit or some other reason why they might not give an impartial decision; if it is a murder trial, because they do not believe in capital punishment.¹

If others are challenged, the judge, in some States, may have the sheriff summon bystanders (*talesmen*), whereas in other States a new list must be prepared as the former one was and this procedure must continue until the prescribed number of suitable men are *impaneled*, that is, secured to serve²

thereby injures your good name, you can sue him for money damages, if his labeling you causes a breach of the peace, he has also committed a crime and may be punished by the officers of the State in the name of the State, because the entire State is injured by lawless people who break the peace

¹ In some States unsatisfactory laws or inefficient judges often permit the lawyers to ask every conceivable question in order to determine whether the jurors hold any opinions which would cause them to be prejudiced in the case. For example, after the Iroquois Theatre fire in Chicago, in which so many people lost their lives, the Theatre Company was being sued, and the counsel for the company asked the prospective jurors such questions as these "What paper do you read? Do you believe in card playing? Dancing? Theatre going? Have you any prejudices against city people? Have you ever had a friend killed in a fire?"

² In the famous Gillooley murder case (1878) in Indiana, 4150 veniremen were summoned and nine and a half weeks were required to complete the

After the case is opened the witnesses for the State and for the prisoner are examined and cross-examined, arguments are delivered by the attorneys for each side, and the judge gives the *instructions* to the jury explaining the law governing the case. (In Virginia the instructions precede the arguments)



A HUNG JURY

Ben Pryor's modern version of Orson Lowell's "The Obstinate Juror"

The jury then retires to consider the evidence of the case and arrive at a decision. If the jury cannot agree, the foreman reports "no agreement"; if the requisite number agree, usually all in an important criminal case, he reports "guilty" or "not guilty." If guilty, the jury usually determines the punishment in its verdict,¹ which is read by the clerk of the court, and the judge pronounces the sentence. If the penalty is merely a fine, this is paid to the clerk; if more than a fine, the sheriff takes charge of the prisoner, who is taken to jail to serve his term, or until he can be transferred to the penitentiary, executed, or disposed of according to the sentence. If there has been a dis-

jury More recently 91 days were required to select a jury in a certain California case

¹ In many States the judge determines the punishment after the jury has determined the guilt.

agreement ("a hung jury"), the case is either set for a new trial or dismissed.

If the verdict has been "guilty," the prisoner may petition for an appeal to a higher court on the ground that the verdict is not according to the law, or to the evidence, or that some error has been committed in the trial. If the appeal is granted and is sustained the higher court will order the lower court to hold a new trial; but if no error is found the appeal is dismissed and the order of the lower court stands.

QUESTIONS ON THE TEXT

- 1 What is the difference between a civil suit and a criminal suit?
- 2 If you sue for a sum of money do you sue *at law* or *in equity*?
- 3 If you want to prevent the commission of a wrong which cannot be remedied after once committed, would you bring suit *at law* or *in equity*?
- 4 Explain just how a suit *at law* proceeds. What do you mean by *plaintiff*? *defendant*? *verdict*? *judgment*?
- 5 Explain just how a suit *in equity* proceeds. What is a *decree*? What are *depositions*?
- 6 What is a crime? Are all crimes wrong in themselves? If not, why are they considered crimes?
- 7 Crimes are of what two degrees? What distinguishes them in many States?
- 8 What is Murder in the First Degree? Murder in the Second Degree? Manslaughter? Arson? Burglary? Robbery? Larceny? Grand Larceny?
- 9 Who may arrest felons?
- 10 What is a *warrant*? Is it necessary to have a warrant to arrest a felon? Who serves a warrant? May he call upon bystanders to assist him?
- 11 May a peace officer without a warrant arrest one who has committed a misdemeanor?
- 12 Who usually tries a criminal and commits him to jail when he is first arrested?
- 13 What do you mean by *giving bail*?
- 14 Who draws up bills of indictment to present to the grand jury?
- 15 Describe a jury trial
- 16 What do you mean by *instructions*?

- 17 By whom is the law governing a case decided? the facts?
- 18 What is meant by a "hung jury"?
- 19 Describe a court in session.

PROBLEMS FOR DISCUSSION

1 In New York City a thief stole a plume worth \$57, but proved that it was marked down to \$49 50 the day he stole it; hence his offense was merely a misdemeanor, whereas it would have been a felony if he had stolen goods valued for as much as \$50. What crime did this thief commit?

2 In the eighteenth century nearly 200 crimes were punishable by death in England. A death penalty was prescribed for stealing a handkerchief. The people and even the judges ceased believing in the justice of such laws and did not enforce them. For instance, in one case a man was accused of stealing a sheep. The judge threw the case out of court because it was a ewe that he had stolen, so that he might not have to pronounce a death sentence. Have any of these technicalities of the law come down to us to-day when we do not need them? Why do we not need them to-day?

3 Are crimes prevented more by the severity of punishment or by the certainty of punishment? Would you consider it extravagant for the government to spend \$100,000 in order to detect and bring a murderer to justice?

4 In Oregon a boy charged with violating the cigarette ordinance was sentenced by the judge to wheel eight tiers of wood from the street into the City Hall. Do you consider that the judge showed wisdom in his sentence?

5 You cannot compel a person accused of a crime to testify against himself according to law. You cannot so much as ask him where he was when the crime was committed. What do you think of this old legal rule? Would you favor compelling the accused to make a statement as to his whereabouts to the justice of the peace before whom he is brought — else assume that he is guilty?

6 In some States persons convicted of murder are put to death by the gallows, in others by the electric chair, in Nevada by lethal gas, and in some there is no capital punishment. Which sentence do you think is most likely to reduce crime?

7 The National Crime Commission appointed a Sub-Committee on Criminal Procedure and Judicial Administration, with Hon. Herbert S. Hadley, Chairman. The following summary from their report made in 1926 contains recommendations of our leading jurists for uniform State legislation.

Bring persons charged with a felony before a magistrate when arrested, for an opportunity to make a public statement and to answer questions.

Permit prosecution either by indictment or by information.

If bail is granted, the bondsman must submit a full statement of what, if any, collateral he has received from the defendant. If the defendant fails to appear, after ten days the forfeited bond becomes a final judgment.

The fact that the juror has heard of the case and has formed an opinion should not disqualify him if he is satisfactory to the judge.

The State should have as many challenges as the defendant.

If the accused fails to testify as a witness, his failure may be commented upon by the judge or by the counsel.

The defendant or the State should be permitted to take depositions within or outside the State under conditions fixed by the court (judge); also to take depositions of a witness likely to leave the court's jurisdiction.

The judge should instruct the jury as to the law and should make comments on the evidence and character of any witness.

A five-sixths verdict should be sufficient to convict except where the penalty is death.

The jury should determine guilt and the judge fix the punishment as authorized by law.

On appeal a judgment of conviction should not be reversed unless an error complained of has resulted in a miscarriage of justice.

A pardon or parole should not be granted until notice has been given to the prosecuting officer and judge who tried the accused, and the reasons should be made public five days before taking effect.

A defendant asking for an appeal should remain in jail at least until the appeal is granted.

An insanity plea should be required ten days before the trial begins except with the consent of the judge.

When the plea for the defendant is insanity, the judge should summon an expert and the county should pay him.

The prosecuting attorney should not be allowed to drop a case against an indicted person without the consent of the judge.

Learn from some lawyer which of these recommendations are already the law of your State. Do you favor adopting the remaining ones?

8 The late Judge George Shaughnessy of the Municipal Court of Milwaukee heard about 150 criminal cases a month — principally felonies. He was efficient and gave prompt *justice*. One morning a man murdered his wife, and in less than eight hours he was serving his life sentence in the penitentiary.

In Milwaukee the accused are brought to trial by "information" instead of the slow grand jury process; there is no easy bail, so there are no professional bondsmen there; a juror is not disqualified merely because he has formed a tentative opinion about the case; with the consent of the accused, the trial is without jury; and dilatory tactics are not permitted.

Criminals know about Milwaukee. A visiting burglar was caught there at midnight. By noon the next day he was on his way to the penitentiary to begin an eight-year sentence, and he thus voiced his disgust to an inquiring reporter: "Tell my pals in Chicago," he said, "to stay out of this man's town!" It is not surprising that the murder rate in Milwaukee was found to be less than that of any other city as large or larger.

If under this system of "prompt justice" it should be discovered that an injustice has been done, is there any redress for the one thus imprisoned? What?

9 Do you agree with the following statement of Judge Shaughnessy? "Speedy trials reduce the upkeep of prisoners in tax-supported county jails. And delay ought to be avoided if only because in our day it has become the refuge of the caught criminal: he realizes far too shrewdly that if his case is continued often enough and long enough, witnesses may disappear or die, important papers and exhibits can be 'lost,' public interest will certainly wear out — and there is a strong chance that the verdict will finally be 'Not guilty!'"

10. A Federal-State-Municipal Cooperative Police Force has been proposed, with the Federal Government paying 50 per cent of the cost of local police that measure up to a standard set by the Federal Government. Annually the State police and city police would be inspected to determine whether the 50 per cent annual grant shall be made. The standard might include a force of adequate numbers, of education and police training, of up-to-date equipment, with retirement pension sufficient to encourage a life career of efficient honest service, with an able secret service division, and with complete up-to-date criminal records. Do you favor this proposal?

If this system were adopted should there be a Police Academy (comparable to the Military Academy) for the training of higher police officers?

What are the qualifications for appointment to the police force in your town?

In your community what is the proportion of policemen to population? Do you consider that your police force is adequate?

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CHAPTER XXXI

STATE FINANCE

The Taxing Power of a State. — Taxes are charges imposed by a legislative body upon persons or property to raise money for public purposes. With the following exceptions, a State legislature may impose taxes of any kind and any amount, or may give permission to the legislative bodies of counties, townships, towns, or cities to do the same.

(1) *Taxes must be for a public purpose.* Exactly what is meant by a "public purpose" cannot be defined, but must be decided by the courts whenever taxpayers feel that they are being taxed for a private purpose and carry their complaints into court.

Some years ago Topeka, with permission of the legislature of Kansas, agreed to pay a sum of money to a manufacturing concern if it would locate its iron works in that city. The factory was so located, but when taxes were assessed for the payment of this sum of money, certain taxpayers brought their complaint to court, and, after several appeals, the Supreme Court of the United States decided that taxes could not be collected for this private purpose.

(2) *Taxes must operate uniformly upon those subject to them.* The assessment of all persons and property within a class or district selected for taxation must be according to a uniform rule. For instance, when a citizen* of New York State inherits a certain amount of property he must pay a State tax varying from eight tenths of one per cent to sixteen per cent, depending upon the amount inherited and the degree of relationship. This tax operates uniformly because all who fall within the same class are taxed alike.

(3) *The classification of property for taxation must be reasonable.* For instance, it was declared reasonable for Louisiana to impose a license tax upon manufacturers of sugar, at the same time exempting from its operation those who refined the products of their own plantations. But you could not thus tax Jews, Germans, Negroes, Republicans, or Catholics who manufacture sugar and exempt all others, because the classification would be unreasonable

(4) *Either the person or the property taxed must be within the jurisdiction of the government levying the tax.¹* Double, or even triple, taxation, however, is not forbidden. For example, a person working in one State and living in another might have to pay an income tax both in the State where he earns his money and in the State of his residence. And if he has invested his savings in a third State, that State also may tax the income from the investment

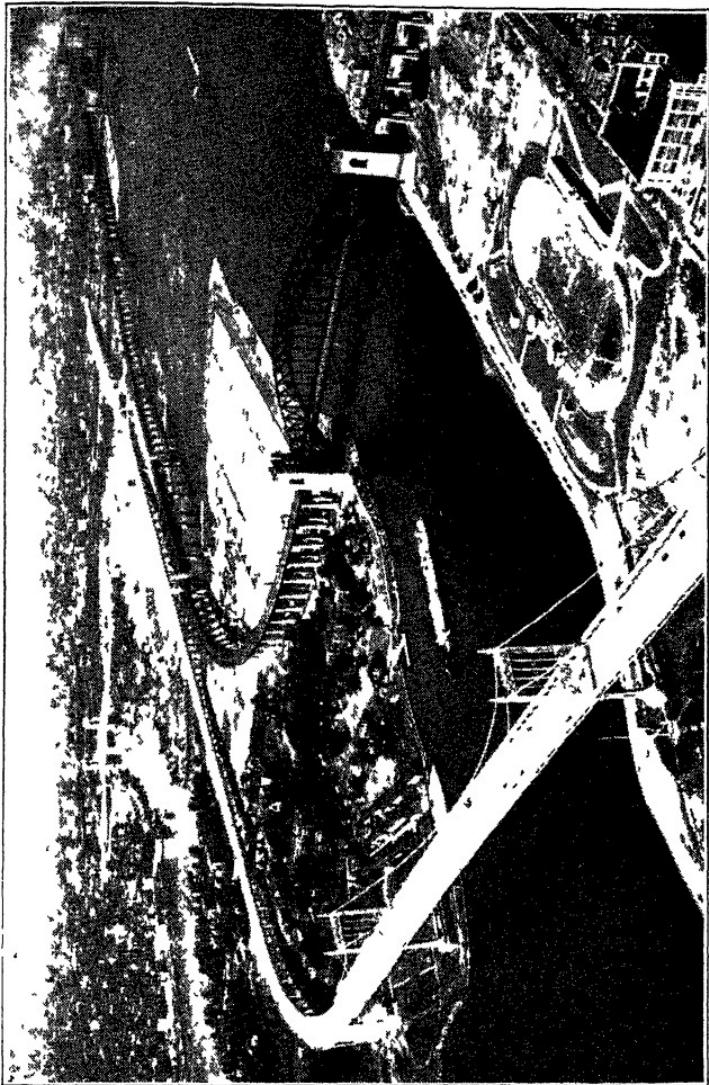
(5) *In the assessment and collection of a tax certain guarantees against injustice to individuals must be provided* For instance, if property worth \$10,000 is assessed for \$15,000, the owner has the right to go before some tax revision board or court and have the mistake corrected.

(6) *A State can neither tax Federal Government property, nor Federal Government bonds or the income therefrom.* The Constitution does not expressly forbid this, but in the case of *McCulloch v Maryland* the State was denied the right to tax a branch of the Bank of the United States because "the power to tax is the

¹ The city of Charleston, South Carolina, borrowed money by issuing bonds which paid 6 per cent interest. Afterward it attempted to tax these bonds whether they were held by citizens of Charleston or persons living outside the State, the city treasurer being directed to deduct 5 per cent of the interest before sending it to the owners of the bonds. Those living outside the State went to court, and the Supreme Court of the United States decided that the city could not thus tax persons living outside the State. The city government did not have jurisdiction either of the persons or the bonds (property), hence to keep back a part of the interest was breaking the contract with the persons who lent money from outside the State

TRIBOROUGH AND HELL GATE BRIDGES IN NEW YORK

This picture is a fine illustration of what taxes really mean,—playgrounds, highways, parks, and the hundred and one other services a city must provide for its people



power to destroy." The States may now tax the salaries of Federal Government employees

(7) *A State may not, without the consent of Congress, tax imports or exports to or from the United States*¹ More than half of the imports of the United States come through the port of New York. If New York State could tax these imports, most of which are intended for other States, she would really be levying a tax upon other States The same would be true if she could tax Western wheat which is shipped abroad from the port of New York.

(8) *A State may not tax interstate commerce as such.* If a State could tax interstate commerce, it might interfere with the right of the United States to regulate it. For instance, logs owned by one Coe were floating down a river from Maine to New Hampshire. When the river froze they were within the town of Errol, which town attempted to tax them. The Supreme Court of the United States prohibited it, as it would have been a tax upon interstate commerce

A State may not place a license tax on drummers who sell commodities to be sent from another State, but may tax peddlers who carry the commodities with them or get their supplies from commodities already in the State, provided, of course, that they are not discriminated against because of the fact that they also sell goods brought from without the State

(9) *A State may not, without the consent of Congress, lay any duty on tonnage.* Tonnage means a vessel's internal cubic capacity in tons of one hundred cubic feet each. A State may tax a vessel as ordinary property, but may not tax it on the basis of tonnage.

(10) *State constitutions place a few restrictions upon their legislative bodies* For instance, a constitution may limit the tax rate to a prescribed number of mills on the dollar; or may exempt from taxation such property as churches, schools, and burial grounds.

Different Kinds of State and Local Taxes. — The revenues for the forty-eight States are derived from the following sources:

¹ A State may impose small fees sufficient to cover the cost of enforcing its inspection laws

STATE AND LOCAL TAX COLLECTIONS

TYPE OF TAX	COLLECTED BY STATES 1946 FISCAL YEAR	COLLECTED BY LOCAL GOVERNMENTS 1941
GENERAL AND SELECTIVE PROPERTY TAXES . . .	\$227,000,000	\$4,223,733,000
SALES TAX		
General Sales . . .	901,000,000	66,315,000
Alcoholic beverages	400,000,000	
Tobacco . . .	199,000,000	155,000
Motor vehicle fuel . . .	900,000,000	7,200,000
Admissions, pari-mutuels	110,000,000	32,230,000
MOTOR VEHICLE LICENSES, etc	456,000,000	73,620,000
NET INCOME TAXES		
On individuals	395,000,000	1,790,000
On corporations	436,000,000	2,082,000
DEATH AND GIFT TAXES	143,000,000	819,000
TAXES ON SPECIFIC BUSINESSES		
Corporations and Public Utilities	248,000,000	40,163,000
Alcoholic beverages	66,000,000	35,332,000
Insurance . . .	142,000,000	
Severance, chain store, amusement, race tracks	97,000,000	103,636,000
UNEMPLOYMENT COMPENSATION AND OTHER PAY ROLLS	1,034,000,000	4,992,000
MISCELLANEOUS TAXES	200,000,000	13,689,000
<i>Total 1946 State collections</i>	\$5,954,000,000	
<i>Total 1941 local collections (counties, cities, etc) . . .</i>	4,605,756,000	\$4,605,756,000
<i>Total 1946 Federal Government collections</i>	44,494,496,000	
TOTAL TAXES COLLECTED IN U S AND STATES 1946, LOCAL 1941	\$55,054,252,000	

These taxes were one third of the total income of all the people of the United States in 1946. For Federal finances see pages 216 and 219.

General Property Taxes are taxes on real estate and personal property in general, and *Selective Property Taxes* are on specified kinds of property.

Real Estate Taxes are on land and permanent improvements thereon

Personal Property Taxes are movables — tangible and intangible

Tangible Personal Property Taxes are on such movables as household goods, merchandise, livestock, farm implements, and jewelry.

Intangible Personal Property Taxes are on such evidences of property as stocks and bonds

The general property tax has not been levied in the States by the National Government since the Civil War because it has to be apportioned among the States on the basis of population, which is not acceptable to the majority of poorer States. The property tax was once the main source of State revenue, but a number of States no longer collect property taxes, and in no State is it an important source of revenue. Counties, cities, towns, and other local districts still derive most of their revenue from the general property tax.

It is so difficult to reach intangibles in the hands of their owners that an attempt to apply the general property tax to such things as stocks and bonds makes most taxpayers heirs and penalizes the few that are honest.

The taxation of jewelry and household goods is also difficult because the former can be hidden and it is not possible for an elective assessor to properly appraise the value of art, oriental rugs, chinaware, linens, and the like; therefore household goods are commonly excluded from taxation.

Because it is not very practical to tax the above the general property tax falls heavily upon real property, and a few States have exempted from the property tax homesteads of small value occupied by the owners.

As farmers and urban real estate owners felt that they were paying an unfair portion of the taxes they persuaded the legislatures to tax gasoline, alcohol, tobacco, and general sales which fall heavily upon the consuming public — a large part of whom are poor.

The advocates of a sales tax, in pushing their efforts to have the legislature levy such a tax, usually emphasize the tax on luxuries and articles not really necessary. However, when the sales tax laws come to be written, they generally include food, clothing, shoes, and many of the necessities of life.

The poor consumers have urged taxes on inheritances and income with increasing success; but the States cannot have these taxes pro-

gress to very high rates because the already high National estate and income taxes plus high State taxes on the same income would tend to wipe out all large incomes, and thus kill the geese that lay the golden eggs; but the California tax is progressive from 1% to 15%.

The States have not neglected to tax all businesses for unemployment compensation and specific businesses for general purposes; but many of these taxes can be passed on to the consumers.

States have tapped varied sources of revenue as listed on the preceding page, and as most of these cannot practically be levied by local governments the States themselves are increasingly distributing among the local governments a percentage of the taxes collected, or else appropriate money to the local governments from the general State funds. When this is done the State has a good opportunity to apportion the money on condition that the local government maintains the service — school, roads, or what-not — according to standards required by the State.

The General Property Tax. — *Assessment.* — Each local governmental division — city, town, or township¹ — has one or more tax assessors to determine the value of property which is subject to taxation. In case of personality this is done each year, but in some States realty is assessed at longer intervals, but, of course, taxed each year. Assessors are expected to visit property and have the owner fill in a tax form. In practice they commonly assess one's property as it was assessed the previous year, and thus avoid the trouble and duty of visiting the property. The valuation put upon property by these assessors is usually accepted as the basis for county and State taxation.

In most States property is assessed at less than its true market value. Property owners are better satisfied if the assessment is at say one half its real value; therefore assessors not infrequently have an understanding that the assessment will be made on this basis. Thus, a city house assessed at \$5000 may be worth \$10,000. If the tax rate is 4% the tax will be \$200. In reality it is a 2% tax on \$10,000 property.²

¹ In a few States the county is the smallest local division for purposes of assessment.

² In 1937 New York authorized municipalities to exempt buildings erected for slum clearance from taxation until 1947. In recent years some

Equalization. — If your property is assessed higher than a neighbor's property of equal value, usually there is a means of having the injustice corrected. You may complain to an appeal tax court, to the county board of commissioners, or to a local board of equalization, as the law provides. Many States have county boards of equalization to come into a township and raise or lower the assessment on all real estate in that township if it has been improperly assessed.

In most States there is also a State board of equalization to see that the property is assessed alike in the different counties. States without such boards often have property in one part of the State — *e.g.*, in a large city — assessed at its full value, whereas in another part of the State — *e.g.*, rural counties — it is assessed at only half of its value. This means that the city people are paying twice as much State property tax as justice demands.

Collection — State, county, and local taxes are usually collected by the same officials. After the taxes are assessed tax bills are prepared. In some States they are mailed to the taxpayers, but in others the taxpayer must come to the county treasurer or township officer who collects taxes, to learn the amount of his taxes.

Delinquency. — If taxes are not paid on a prescribed date, a certain per cent is added. The property upon which the tax is levied is then said to be delinquent, and if the tax remains unpaid for a certain length of time, the property is sold, perhaps at auction. If it brings more than enough to pay the taxes, added per cent, and costs, the former owner receives what is left.

Exemption — State constitutions commonly enumerate certain kinds of property which the legislative body may not tax. Schools, free libraries, churches, and government property are good examples of property usually exempt from taxation.

States have exempted from taxation homesteads of a limited value. Examples are: Fla and S. Dak (\$5000), Tex (\$3000), Miss (\$2500); Ala, La, and Ga. (\$2000), Maine and Okla (\$1000).

The General Sales Tax, in the form of a flat-rate general retail sales tax, is levied by about half of the States. The rate is usually 1 per cent, 2 per cent, or 3 per cent of the sale price. States having the tax usually apply it only to tangible personal property, and many of them exclude sales under a certain amount, bread, milk, all food, produce sold by the farmer direct to the consumer, newspapers, or something bearing a special selective tax such as gasoline.¹

Purchases Made Outside the State — To prevent the avoidance of the tax by making purchases outside the State, some States impose a "use" tax on the use of articles upon which the tax has not been paid. For instance, Washington State imposes a tax on articles valued at \$20 or more brought into the State. If one buys an automobile outside the State, a license will not be granted until the use tax is paid.

How Tax Is Collected — In Illinois each retailer pays the tax on his total gross taxable sales, and then usually adds the tax to the price of the goods. Ohio sells books of stamp-like receipts to merchants, and when a sale is made the merchant cancels a receipt of proper value by tearing it from the book for delivery to the customer (and the customer is encouraged to pick it up and drop it in a box at his lodge or church because the State will buy the receipts from benevolent organizations at a small per cent of their face value). In some States where the tax on small purchases may be less than a cent, the State sells small metal tax tokens to merchants who sell and resell them to customers. Ohio issues a tax card for three cents, which has places to punch for small purchases until the total reaches a dollar. Thus, instead of paying a penny tax on each of ten ten-cent purchases, you pay only three cents.

The sales tax is an excellent producer; but it is often opposed

¹ Illinois, for example, collects only on the last retail transaction prior to ultimate use or consumption. For instance, there is no tax on cream sold to an ice-cream manufacturer, but on the ice or ammonia consumed on freezing the cream. The ultimate dispenser of ice cream pays the tax.

because it takes a larger proportion of the income of the poor than of the rich.

The Gasoline Tax is levied by every State. The rate ranges from two to ten cents a gallon in addition to the Federal tax. Gasoline revenue was originally used for State roads; but now half of the States distribute some portion of it to local governments for education or other uses.

Other Selective Sales Taxes on such commodities as tobacco, cigars, cigarettes, playing-cards, alcoholic drinks, oleomargarine, automobiles, tickets of admission, and electrical energy, are levied by this or that State.

Severance Taxes on natural resources severed from the earth can be levied by States which contain such natural resources as coal, oil, iron, or timber. For instance, the State of Minnesota with rich iron deposits has profited by this tax.

Inheritance Taxes.¹ — With the exception of the State of Nevada all of the States now have the inheritance tax, but in many States the amount is very small because they exempt from the tax property inherited by lineal ancestors, lineal descendants, husband or wife, and brother or sister.

In New York an exemption of \$20,000 is allowed on property inherited by husband or wife. To other direct heirs it is \$5000. The inheritance tax on the net estate, after allowing for the exemptions, varies from eight tenths of one per cent on a valuation up to \$150,000 to 16 per cent of the amount by which the net estate exceeds \$10,100,000.

The method of assessing higher rates on large estates than on small is known as *progressive taxation*; and higher rates on distant relatives as *collateral*.

Graduated Tax for Chain Stores. — Nearly half of the States have protected small businesses against large ones by a progressive tax on chain stores. The more stores in the State under one ownership the more tax per store is levied. The highest tax

¹ The term "estate tax" should be used instead of "inheritance tax" if the tax is figured on the entire net estate instead of the separate bequests.

is in Louisiana where the tax is \$10 per store for the first 10, and increases to \$550 per store in Louisiana if a company operates as many as 500 anywhere in the United States.

State Budget Systems. — Until 1913 most State incomes were expended in a very haphazard manner. The various spending departments and institutions of the State would send in their estimated needs, which were merely compiled by some State officer or perhaps sent directly to the legislatures. After the appropriation committees of the houses had framed the general appropriation bills which were based on these estimates, and the houses had passed them, a large number of petty appropriation bills were introduced.

Proposals to spend money came forward every year by the thousand, and their chance of adoption was not in proportion to their merits, but rather to the political influences behind them. When the legislature adjourned, no one knew definitely how much money had been appropriated. With the pressure of local interests and logrolling methods of legislation, waste, extravagance, and deficits were inevitable.

The governors of many States were given the power to veto specific items in appropriation bills, but some legislatures, to satisfy all interests asking appropriations, voted millions more than there was revenue to meet, and thus placed upon the governor the disagreeable task of offending many interests by vetoing this and that item.

Since 1913 most States have devised some method of preparing a budget before the legislature meets, but because there is a wide variation in the location of responsibility for the preparation of the budget, the systems fall into three fairly distinct classes.

(1) *Legislative Budget* — Arkansas continues to have its budget prepared and submitted to the legislature by a committee of the legislature. This system makes it difficult to fix responsibility.

(2) *Board or Commission Budget* — Nearly a fourth of the States prepare their budgets through boards or commissions,

of which the governor is usually a member. They are constituted in one of the following ways:

- (a) members of the legislature and ex-officio administrative officers;
- (b) ex-officio administrative officers;
- (c) ex-officio administrative officers and persons appointed by the governor;
- (d) persons appointed by the governor.

(3) *Executive Budget.* — Three fourths of the States make the governor responsible for the preparation of the budget — usually with the assistance of a director. This system is best for locating responsibility, and the methods used in the following States illustrate how responsibility may be fixed.

In Maryland the governor prepares a budget divided into two parts: one deals with the appropriations for the legislative, executive, and judicial departments, state debt, and other expenditures required by the constitution; and the other part deals with the general appropriations for State institutions, etc. The legislature is permitted to increase or decrease items relating to the legislature, to increase items relating to the judiciary, but otherwise may not alter the bill except to strike out or reduce items. Supplementary appropriations may be considered by the legislature after the budget bill has been finally acted upon, but every supplementary appropriation must be embodied in a separate bill limited to some single work, object, or purpose; and each supplementary appropriation bill must provide the revenue necessary to pay the appropriation so made. The governor may veto any item of such bills.

In Nebraska, where the governor also prepares the budget, the legislature cannot make appropriations in excess of his recommendations except by a three-fifths vote.

The governor of Massachusetts also bears the responsibility for the preparation of the budget, but the legislature may increase, decrease, or add items or omit items. However, after the budget is passed the governor can veto or reduce items or parts of items.

How Revenue Is Expended. — After revenue is collected, and the States, the county, and the city or other local division have each received its proper share, the respective treasurers are not permitted to pay it out until a proper warrant is presented. After the State legislature appropriates its revenue, the State comptroller or auditor issues warrants to persons entitled to the money, as he is directed to do by the legislative Acts appropriating the money.

After the county board appropriates the county money, the county treasurer pays it out when a warrant signed by the county auditor, or some other designated person, is presented. In cities and towns the council appropriates the revenue, and some designated officer or officers sign the warrants to be cashed by the treasurer.

QUESTIONS ON THE TEXT

- 1 What are taxes?
- 2 What restrictions are there upon a State's power to impose taxes?
- 3 Name the principal sources of State revenue.
- 4 What is the general property tax? Special property tax?
- 5 How are general property taxes assessed?
- 6 What do you mean by a board of equalization?
- 7 How are taxes collected?
- 8 What is meant by delinquent taxes?
- 9 What classes of property are usually exempt from taxation?
- 10 How are sales taxes collected?
- 11 What is an inheritance tax?
- 12 What is meant by progressive inheritance taxes?
- 13 Explain how each of the three types of State budgets operates.
- 14 Explain the use of warrants in the expenditure of revenue.
- 15 Give the principal sources of State revenue.
- 16 What taxes have grown in importance in recent years?

PROBLEMS FOR DISCUSSION

- 1 What provisions are made in your State constitution regarding taxation?
2. How many mills on the dollar is property taxed for State purposes in your State? For county purposes? For village or city purposes if you live in such a place?

3. Does your State have a capitation tax? If so, how much is it and who must pay it?

4. Does your State have an inheritance tax? If so, what would be the net proceeds of an inheritance of \$100,000?

5. Figure the approximate amount of taxes paid by some person with a wife and two small children. Salary \$6000, residence worth \$12,000; car worth \$1500.

6. How much does your State contribute towards the support of the National government, assuming that it contributes in proportion to its population?

7. If your property is assessed higher than your neighbor's, what redress do you have?

8. Many States give tax exemption or preferential treatment to home owners for homes of a specified value. The amount of value exempted varies from \$500 to \$5000. Those favoring the exemption argue that it will induce people to build and own homes, and that radical theories seldom find fertile soil in the minds of those having a stake in the land. Others argue that there is no sound reason for favoring a home owner at the expense of a tenant when owners, as a group, are better able to pay taxes than tenants; and that whereas you encourage people to build their own homes you discourage investors to build for rent. Which side has the better of the arguments?

9. There is a tendency to divert motor vehicle license taxes and gasoline taxes from road building to other purposes so as to reduce other taxes. Do you favor this diversion, or do you think there is plenty yet to do on roads?

10. A State is not allowed to tax goods imported from a foreign country until the original package is once sold, broken open, or used. A State may, however, tax goods shipped in from another State as soon as they come to rest — that is as soon as they are delivered to the person to whom they are shipped.¹

¹ A State may not exercise its *police powers* for protecting health, morals, safety, and general welfare until the original package or article imported from abroad or from another State is once sold, opened, or used, unless permitted to do so by the Constitution or by act of Congress. The original package, however, must be one ordinarily used for the shipment of goods.

Originally States could not regulate alcoholic liquors until the original package or jug was open, but now both the Constitution and Congress allow States to exclude intoxicating liquors from their borders or to regulate them as soon as they enter the State for consumption. Congress also permits States to exclude plants or materials likely to spread pests or disease within the State.

When Tennessee legislated against the sale of cigarettes, a dealer attempted to evade the law by having the cigarettes delivered from outside the State in small retail packages. Why did the court hold that the sale of these packages was illegal? Could Tennessee have confiscated cigarettes brought from without the State in regular size commercial cartons? Could she have taxed them?

Can boxes of silk from France be taxed in a New York warehouse? Boxes of silk from Paterson, New Jersey, in a Chicago warehouse?

11. Both the United States and many States tax incomes, inheritances, gasoline, motor vehicles, other commodities, chain stores, and various industries at different rates, which annoys and disturbs business.

Moreover, the collection of these taxes by both State and Federal governments is costly to the governments and troublesome to the persons taxed who have to make two reports instead of one.

Do you think the United States Government alone should collect these taxes and refund to the States an agreed portion of the amount collected according to population? Should the rates be the same throughout the country?

12 There is no express provision in the United States Constitution forbidding the taxation of Federal and State bonds; but there are Supreme Court decisions forbidding the States to tax Federal bonds and forbidding the Federal Government to tax State bonds. Therefore neither may tax the bonds of the other until the Supreme Court reverses itself or its decisions are overruled by a constitutional amendment.

Some Federal bonds are made exempt from Federal taxation by Congress, but most of them are not (except to holders of small amounts). State bonds (including those issued by local governments) are usually made exempt from State or local taxation by State constitution or statute.

Do you think all public bonds should be made taxable by both governments? If so, would the rate of interest on new issues increase or decrease? Would you favor a constitutional amendment allowing only the Federal government to tax public bonds, with the proviso that it should tax Federal, State, and local bonds at the same rate? Should such an amendment require the Federal Government to return half of the tax receipts of public bonds to the States?

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CHAPTER XXXII

COUNTY AND TOWNSHIP GOVERNMENT

I. COUNTY SYSTEM

Origin of County Government. — The Southern colonists were agriculturalists living far apart on plantations. A small class of aristocrats owned most of the property and were well educated, but illiterate slaves formed the masses. Under these conditions the people did not develop local self-government as they did in New England, where there was a substantial middle class of townspeople.

Therefore it was necessary to divide the colonies into counties¹ so that the laws might be properly enforced. Thus the county became the most important governmental division of the colony. After the colonies became States the importance of county government continued, and the new States in the Southwest and extreme West copied the Southern county system².

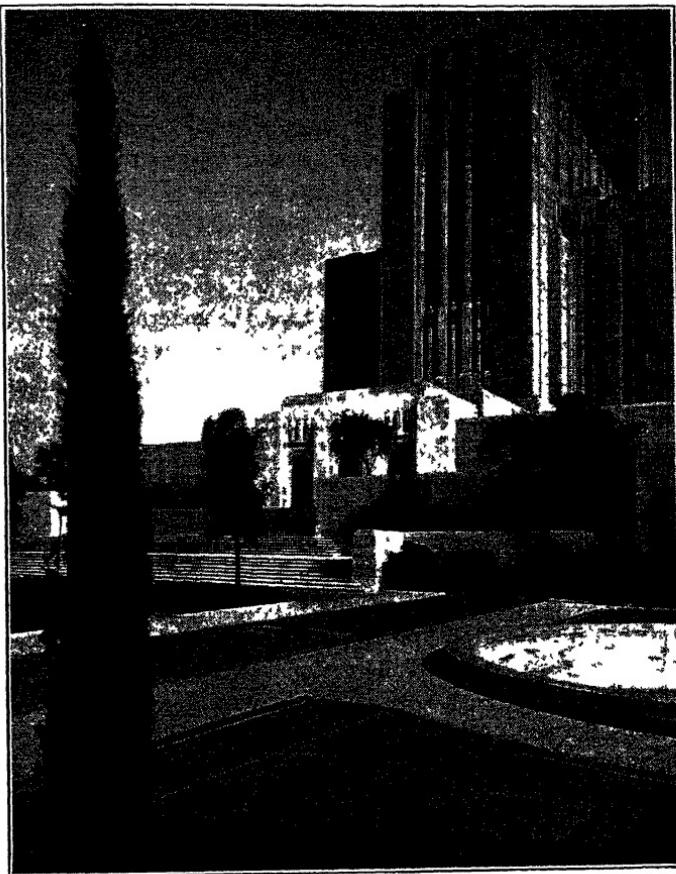
Number, Size, and Population of Counties. — There are now more than 3000 counties in the United States. They vary in number from 3 in Delaware to 254 in Texas. The smallest county (New York County, New York) has an area of only 22 square miles, but the largest (San Bernardino, California) embraces 22,175 square miles. In population the counties vary from 285 in Loving County, Texas, to more than 4,000,000 in Cook County, Illinois.

Functions of Counties. — A county is a governmental division of a State which administers State laws and such county laws

¹ The divisions were called *counties* because the divisions of England were so called.

² In Louisiana the divisions corresponding to counties are named *parishes*.

as the State permits the county to enact. These county functions are determined by the State legislature except in regard to those matters for which provision is made by the State constitution. The county is always subject to the will of the State.



LOS ANGELES COUNTY GENERAL HOSPITAL

Mott Studios

This building has thirty acres of floor space and five acres of flat roofs. It is for those who cannot afford private hospitals. It cost \$12,000,000 and accommodates 4200 patients.

In most States it is the duty of the county to preserve peace; administer justice; distribute the property of a deceased person; register titles to land; maintain schools; build and repair roads and bridges; care for the poor; protect the health of the community; collect local, county, and State taxes, and expend the county portion of these taxes in the performance of the county functions just enumerated.

However, in 1933 the State of North Carolina assumed complete control of the school system. Likewise, North Carolina, Virginia, and Pennsylvania have assumed State control of roads.

How County Functions Are Performed. — Most county officers are chosen by an election conducted at various voting places throughout the county for short terms — commonly two or four years — but in some States a few officers are chosen by the county board, the State legislature, the governor, the judge, or otherwise appointed. The officers are not exactly the same in all States, but every county except those in Rhode Island and Georgia has a board which in most States is called the "board of commissioners."

The County Board. — In England the counties were administered by the Quarter Sessions Court of the justices of the peace of the county. Naturally this system was copied in America. In Kentucky, Tennessee, and Arkansas the justices of the peace continue to administer the counties, but since they are elected for definite terms the system is not unlike the most recent systems to be described in the next paragraph.

Board of Supervisors. — New York early departed from the system described in the last paragraph by establishing a county board consisting of one supervisor elected from each township, and called "board of supervisors." This system, with certain changes, has been adopted by many States in all parts of the country. But in 1936 the New York Legislature provided for five optional plans of county government within the State.

Board of Commissioners — Pennsylvania also departed from the system described above, and provided that each county

should elect three commissioners at large, that is, from the whole county, to be known as the "board of commissioners." This system has been adopted by most of the States which have not accepted the New York plan. It must be remembered that all of these plans have been greatly modified by the various States, and in a few States the practices of one system have been adopted with the name of the other.

The county board, under whatever name, has often been called the "county legislature" because in nearly all States it has power to determine the county tax rate and to appropriate the money for county purposes when collected. In some States it has power to enact certain ordinances, such as fish and game laws and the granting of bounties for the destruction of certain wild animals, but its duties are primarily to administer State laws within the county. It has charge of county buildings at the county seat (courthouse and jail) and the poorhouse, hospital, workhouse, and pesthouse, if the county owns such institutions; and it determines the location of all or certain roads and bridges and provides for their maintenance.

In the South and West the county board commonly establishes polling places and provides ballots, and in some States it acts as a county board for declaring the results of elections. In most States the board appoints a superintendent of the poor, but the other officers whom the board appoints in one State or another are very few.

Judicial Officers.—In all parts of the country, even in the New England States, the county is an important unit for judicial purposes. There is a courthouse in every county and a clerk of the court, unless the county clerk acts as clerk of the court, who keeps records of suits brought in the county and of judgments and decrees of the court when the judge has disposed of the cases; but less than half of the States have a judge for each county. Instead of a county judge it is more common to have a "district" or "circuit" judge, who holds court in several counties according to their needs."

COUNTY BOARDS

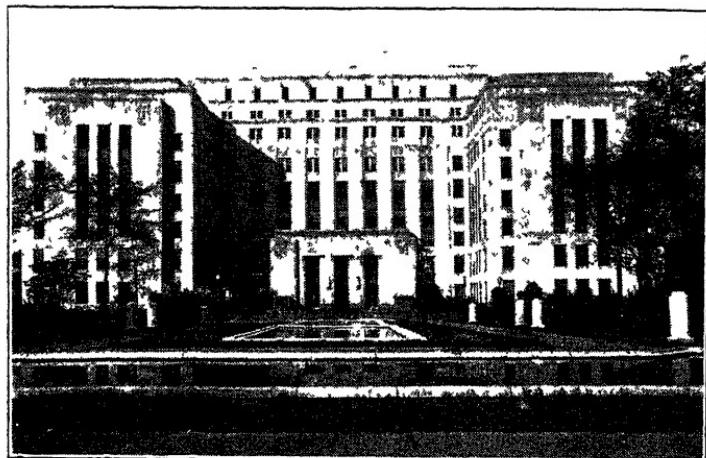
STATES	NUMBER OF MEMBERS	CALLED BOARD OF	HOW CHOSEN	TERM IN YEARS
Maine	3	Commissioners	Elected at large	6
New Hampshire	3	Commissioners	Elected by townships	2
Vermont	2	Assistant Judges	Elected at large	2
Massachusetts	3	Commissioners	Elected at large	4
Rhode Island				
Connecticut	3	Commissioners	By State Legislature	4
New York	5, 7, 9	Supervisors	Elected at large	2
New Jersey		Chosen Freeholders	Elected at large	3
Pennsylvania	3	Commissioners	Elected at large	4
Delaware	3, 3, 7	Commissioners	Elected by districts	4
Ohio	3	Commissioners and Co Council	Elected at large	4
Indiana	3 and 7	Supervisors	Elected by districts	3 and 4
Michigan		Sup (in 8½ Cos)	Elected by townships	2
Illinois	T'ship, 3	Sup (in 17 Cos)	Elected at large	2, 3
Wisconsin	T'ship	Supervisors	Elected by towns, villages, and wards	2, 4
Minnesota	5 or 7	Commissioners	Elected by districts	4
Iowa	3 to 7	Supervisors	Elected by districts or at large	3
North Dakota	3 or 5	Commissioners	Elected by districts	4
South Dakota	3 to 5	Commissioners	Elected by districts	4
Nebraska	N U	Sup (in some)	Elected by districts	4
Kansas	3	Commissioners	Elected by districts	4
Maryland	N U	Supervisors	Elected at large	4
Virginia	Dist	"County Court"	Elected by districts (at large in 2)	4
West Virginia	N U		Elected at large	6

North Carolina	N U	Commissioners	N U
South Carolina	2 or T'ship	Commissioners	N U.
Georgia	1	Ordinary (and commissioners)	Elected and appointed at large in
Florida	5	Commissioners	[most counties 4 2, 4
Kentucky	3 to 8	"Treasuror Court"	Elected at large, nominated at large
Tennessee	Dist	"County Court"	Elected by districts [and by districts
Alabama	Dist	"Court of County Commissioners"	Elected by districts 6
Mississippi	5	Supervisors	Elected by districts 4
Louisiana	Dist	Police Jury	Elected by districts 4
Texas	Dist	Commissioners and County Judge	Elected by precincts, judge at large
Arkansas	T'ship	Judge	2 elected from each township 2
Missouri	3	Judges of the County Court	2 elected by districts and 1 at large 2 and 4
Oklahoma	3	Commissioners	Elected by districts 2
New Mexico	3	Commissioners	Elected by districts 2
Arizona	3	Supervisors	Elected by districts 2
Colorado	3	Commissioners	Elected at large 4
Utah	3	Commissioners	Elected at large 2 and 4
Wyoming	3	Commissioners	Elected at large 4
Montana	3	Commissioners	Elected at large (must reside in Dist) 6
Idaho	3	Commissioners	Elected by districts 2 and 4
Washington	3	Commissioners	Elected by districts 2 and 4
Oregon	3	2 Commissioners and County Judge	4 and 6
Nevada	3	Commissioners	2 and 4
California	3, 5, or 7	Supervisors	4

Dist = One (sometimes more) from each district
 T'ship = One from each township, ward, or village.
 N U = Not uniform.

The counties of nearly half the States have probate judges, whose duty it is to probate (prove) wills; whereas in the other States the regular county judge, county clerk, clerk of the court, or some other officer probates wills.

Every county, except the five in Rhode Island, has a prosecuting attorney to see that criminals are brought to justice,



Courtesy, Birmingham Chamber of Commerce

THE \$6,000,000 JEFFERSON COUNTY COURT HOUSE

This fine building in Birmingham, Alabama, overlooks the Civic Center.

though in a few States he, like the judge, serves for two or more counties and is called the district attorney. If he serves for one county he is called the county attorney, State's attorney, commonwealth's attorney, or merely prosecuting attorney. In fact, he is sometimes called district attorney though his district consists of only one large county, and in some States "solicitor."

The Sheriff. — Every State has county sheriffs, and in all except Rhode Island (where he is appointed for an unlimited term) he is elected by the people.¹ His duty is to prevent any

¹ The word "sheriff" comes from *shire-reeve*, which means "peace officer of the shire," shire being the Anglo-Saxon name for a division of England which

breach of the peace; arrest offenders and place them in the jail, of which he or a deputy appointed by him is keeper; attend court and carry out its orders, whether it be to notify witnesses or jurors, attend the jury, recover property, collect money, or hang a criminal. He is "the right arm of the judge."

In the performance of these duties he may employ deputies regularly or only in case of emergency; he may summon to his aid the *posse comitatus* (power of the county), which consists of the able-bodied male citizens of the county, in case of a riot; and in case of a serious disturbance he may call out the State militia. Since the telephone has enabled a sheriff to communicate with a governor promptly, it is usually the governor who now calls out the militia, — the national guards. Special duties are imposed on sheriffs in the different States; for instance, in some Southern and Western States they act as tax collectors.

The Coroner. — In nearly all States the coroner¹ is an officer of the county who holds inquests upon the bodies of persons who are believed to have died from violent or other unlawful means. He empanels a jury, usually of six bystanders, who inquire from witnesses, or even physicians, chemists, and detectives, as to the probable cause of a death which is known to have resulted or is supposed to have resulted from an illegal act.

If the jury decides that the deceased person has probably met death unlawfully at the hands of a certain person, the coroner may issue a warrant for the arrest of the accused and commit him to jail to await trial, or he may report the facts to a committing magistrate or the prosecuting attorney as the State law may provide. In Massachusetts instead of a coroner there is a medical examiner in each county to pass upon unusual deaths. As a knowledge of medicine and pathology is desirable became known as county (district of a count) after the Norman Conquest of 1066

¹ "Coroner" is the modern spelling of the older form *crownor*, who in the time of King Alfred was appointed by the king and was especially the crown officer in the shire (county).

COUNTY OFFICERS AND THEIR TERMS OF OFFICE

COUNTY OFFICERS

557

North Carolina	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	2a
South Carolina	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Georgia	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4
Florida	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Kentucky	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4
Tennessee	8	—	—	—	—	2	4a	4	4	4	4	4	4	4	4	4	4	4	4	N.U.
Alabama	—	—	—	—	—	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4
Mississippi	4f	—	—	—	—	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4
Louisiana	2	—	—	—	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2a
Texas	2	—	—	—	2	2	4	4	4	4	4	4	4	4	4	4	4	4	4	4a
Arkansas	4	—	—	—	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2
Missouri	2	—	—	—	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2m
Oklahoma	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
New Mexico	2	—	—	—	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2
Arizona	4	—	—	—	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2a
Colorado	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Utah	—	—	—	—	2	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4
Wyoming	—	—	—	—	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4
Montana	—	—	—	—	2	2	4	4	4	4	4	4	4	4	4	4	4	4	4	4
Idaho	—	—	—	—	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2
Washington	6	—	—	—	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4s
Oregon	4	—	—	—	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4
Nevada	—	—	—	—	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	1a
California	6	—	—	—	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4	4m

Numerical alone = Term for which officer is elected
 Numerical followed by *a* = Term for which officer is appointed or chosen by some indirect method

Numerical followed by *am* = Officer appointed, and most counties have such officer while others are grouped into larger districts
 Numerical followed by *f* = Term for which officer is elected in the few counties having such officer

Numerical followed by *m* = Term for which officer is elected in most counties, that is, in all counties having such officer
 Numerical followed by *s* = Term for which officer is elected in some counties; that is, in all counties having such officer
 Numerical followed by *Ua* = Officer appointed for an indefinite term (e.g., probate judge in N. H. serves until 70 yrs of age)

N.U. = Not uniform in the various counties as to term

Duties performed by some other county officer
 Duties performed by an officer of a district larger (e.g., judicial district) or smaller (e.g., township) than a county, if performed at all. A populous county may constitute a district.

the change made by Massachusetts is a very wise and progressive one.

The County Clerk. — In half of the States there is a county clerk. He acts as clerk of the court in some States; prepares election ballots and receives election returns, and issues marriage licenses in others; and audits the county accounts, acts as clerk of the county board, and records documents such as deeds, wills, and mortgages in others. In short, he is assigned various functions of a clerical nature for which there is no specialized officer in the county.

The Register of Deeds. — In the more populous States it has been thought expedient to have a special officer to keep the records of such legal documents as deeds and mortgages. It is the duty of the register of deeds to make exact copies of instruments to be recorded and enter them in indexed books where they may easily be found. As one's title to property often depends upon these records it is very important that no mistakes be made.

The County Auditor. — Nearly half of the States have a county auditor, whose business it is to go over the accounts of the other officers of the county, prepare statements of county finances, and issue warrants on the treasurer for the expenditure of county money according to the appropriations made by the county board. Until recently the duties of this office were performed in a very loose manner, but the States are gradually enacting laws for State supervision of local finances. For example, many States require uniform accounting, which can easily be examined by a State accountant or even by an educated citizen of the county.

The County Treasurer. — In every State except Rhode Island, where township officers have charge of local funds, and in several Southern States, where the sheriff or banks perform the duties of county treasurers, there is a county officer to receive and safeguard the county taxes. In a few States there are tax collectors in addition to the treasurer, and in several

Southern and Western States collections are made by the sheriff. The treasurer is always placed under bond to insure the State and county against loss from dishonesty or carelessness. He is usually paid a definite salary, but some are paid wholly by commissions on the money handled by them.

The Superintendent of Schools. — In nearly every county outside of New England (where public education is administered by the township) there is a county superintendent of schools. In most States he is elected by the people, but in some he is chosen by the county school board, the State school board, appointed by the governor, or otherwise selected. In most States his duty is to conduct teachers' examinations, visit schools to observe and advise teachers, assist district trustees in the selection of teachers and with other advice, and collect school statistics, and in many States he acts as assistant to the State commissioner of education in a general campaign against illiteracy and indifference to education.

Minor County Officers. — Most counties have a surveyor who surveys land for private owners at their own expense, or upon the direction of the court when a dispute in court over a land boundary necessitates it. In some of the more progressive States there is a county engineer instead of a county surveyor, who performs those duties formerly done by the county surveyor; but in addition to this he acts as engineer in the construction of roads, bridges, drains, and like improvements.

Southern and Western counties have assessors to determine the value of property to be taxed, but in New England and the Central States this function is usually performed by a township officer. Other usual county officers are a health officer or board and a superintendent or overseer of the poor who has charge of the almshouse, poor farm, or hospital of the county, unless the county has substituted cash relief for institutional care.

County-City Duplication. — With county and city governments operating over the same area, there is a duplication of functions resulting in unnecessary governmental expenditures.

and conflict in authority. To remedy this duplication, where the city covers a large part of the county the boundaries of the city should be made to coincide with the county. The city of San Francisco and the county of San Francisco now cover the same area, and the board of supervisors is the city council.¹



Courtesy Board of State Harbor Commissioners

VIEW OF THE PORT OF SAN FRANCISCO AND THE GOLDEN GATE

With the county and city thus merged it is possible to get rid of one set of officers, to build uniformly good roads throughout the county, to police the whole county, to zone the whole county, and to establish a system of parks.

In a large county the rural population is usually unwilling to be taxed and governed by the urban population, and it will oppose a union when the matter comes up in the legislature. So instead of extending the city bounds a number of cities have become independent counties. For example, Denver was made independent of the original county and now constitutes a county

¹ While the county board and city council of San Francisco have merged, unfortunately several of the county and city offices still duplicate.

in itself¹ It retained only two of the former 17 elective county officers, the city officers performing the other county functions. For instance, the duties formerly performed by the sheriff are now cared for by the police department.

Separating a city from the rest of the county is not so satisfactory as extending the city bounds to coincide with the county bounds. As the city population spreads you soon have a surrounding county thickly settled, usually inefficiently governed, and often corruptly governed. It may plague the city by permitting badly policed road houses just beyond the city bounds as well as other nuisances against which the city is zoned.

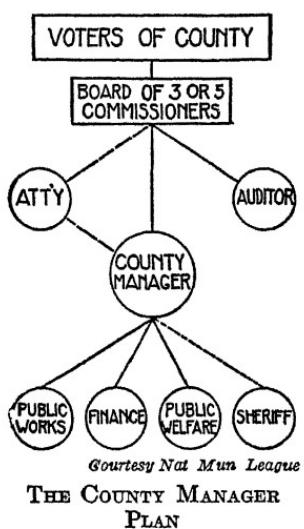
Re-organization of County Government.—Franklin D. Roosevelt recently made the statement that "county government is no more fit for its purpose today than an ox-cart would be fit for the task of supplying modern transportation between New York and Chicago." And indeed there are many criticisms of county government, among them being the following:

1. There is no one to take full responsibility because of so many elected and independent officers
2. This means that local politics, instead of the merit system, too often control
3. The management of funds and finances is so poor that nearly 2000 local governments went into bankruptcy in the United States in 1933-1934
4. The county as a unit is so small, as a rule, that it does not correspond to the social and economic problems of today.
5. There is much confusion as to the proper functions of the county; its relation to the State; and its relation to the city.

Many movements are under way for county government reform, and the leading one is the proposal of the county manager plan.

¹ St Louis, Baltimore, Philadelphia, and all of the first-class cities of Virginia are other good examples of cities which are independent of the surrounding counties

The County Manager Plan (1) unifies all power (or practically all) in a single elective board,



(2) which, in turn, places clear-cut responsibility in the county manager, and (3) offers a short ballot of a very few elective officers so as to secure careful public scrutiny of the candidates. (See accompanying chart and pages 588-591.)

California, Montana, New York, North Carolina, and Virginia are experimenting with this form of county government; while Tennessee and Georgia are attempting to work out their problems by merging two or more counties into one. North Carolina (in certain parts) and the New England States are transferring local government powers to the State.

In New England Counties Are Relatively Unimportant except as a district for the administration of justice.

II. TOWNSHIP SYSTEM

Origin of Town Government in New England. — The Pilgrims came to Plymouth, Massachusetts, as a congregation, and very soon (1622) they erected on Burial Hill a "meeting-house," which was used both for public worship and for town meetings. The church and government were practically one: sermons were preached on the inside to save souls from perdition and a cannon was mounted on the outside to save bodies from the Indians. It was at the meeting-house that the voters met and made their laws directly.

Other congregations from England settled along the coast and established similar governments. As the population of these coast settlements increased, pastors led congregations from them

and established towns. The desire to be near the church, the hostility of the savages, the severe climate, and the unsuitability of the country for large plantations caused the immigrants to settle in compact communities, called "towns."



THE FIRST MEETING HOUSE AT PLYMOUTH

Terms "Town" and "Township" Distinguished. — These communities were called "towns"¹ because they had been so called in England. When it became necessary to survey boundaries between the various towns the small irregular patches of land which resulted were properly known as "townships,"² but frontier communities are not very discriminating in their terms, and the term "town" was used not only for the cluster of buildings but for the entire township.

¹ When a clan of our ancestors in northern Europe or England fixed upon some spot for a permanent residence and built a wall around it, the wall was known as a *tun*; in time the space within the wall was known as a *tun*, or *town*. The settlers were called by the clan name, as for example "the Boerings" or "the Cressings", and the town would be called *Barrington*, "town of the Boerings," or *Cressingham*, "home of the Cressings."

² The word *shipt*, as here used, comes from the Anglo-Saxon word *scip*, which means shape, hence township means the shape of the town or the entire bounds of the town.

In New England to-day "town" means a political subdivision of a county which in other parts of the country is called "township." For the sake of uniformity we shall use the word township when referring to what is called "town" in New England. The early townships were very irregular in shape and contained an average of not more than twenty square miles.

Powers of New England Townships. — For many years the New England townships were undisturbed by the king or parliament of England and exercised such powers of government as are now exercised by a State. They waged war against the Indians, established schools, and as late as the Revolutionary War they appropriated money for war supplies; in fact, they created the States which now control them.

To-day they exercise only such powers as the States permit. They have control of most roads, bridges, schools, libraries, poor relief, and taxation for most local purposes. Some townships have charge of such public works and institutions as street pavements, sewers, water-works, electric light plants, public baths, parks, and hospitals. They also have certain powers to enact police ordinances, such as determining traffic speed restrictions.

The township officers act as agents of the State for an increasing number of functions. They assess and collect State taxes, keep records of vital statistics (births and deaths), and enforce the health laws of the State. Except in one State the township is the usual district from which a representative is elected to the more numerous branch of the State legislature.

The Town Meeting. — Township laws have always been made in the town meeting. During the first few years the colonists attempted to hold monthly meetings, but this was found to be a cumbersome way to transact business, and as early as 1635 *selectmen* (officers selected by the people) were chosen to administer the affairs of the township during the interval between the assemblies. Thus the government became less democratic (direct rule of the people) and more republican (indirect rule of the people through representatives).

To-day the regular meetings are usually held in the town hall once a year, but the selectmen may call special meetings. The first Monday in March is a favorite time to have the meetings, but some are held as early as February or as late as April, and Connecticut prefers October. The general nature of the business to be transacted at a meeting must be announced in a *warrant* which is posted in the various parts of the township.

The town clerk calls the meeting to order, usually at nine o'clock, and acts as secretary of the meeting. The first business is the election of the presiding officer, called the *moderator*. In many townships some well-respected citizen is elected year after year as a matter of course. The organization being perfected, the principal township officers are nominated from the floor, but the nominations have frequently been arranged by preliminary party meetings, called *caucuses*. Election is by ballot, and the polls remain open several hours, depending upon the population of the township.

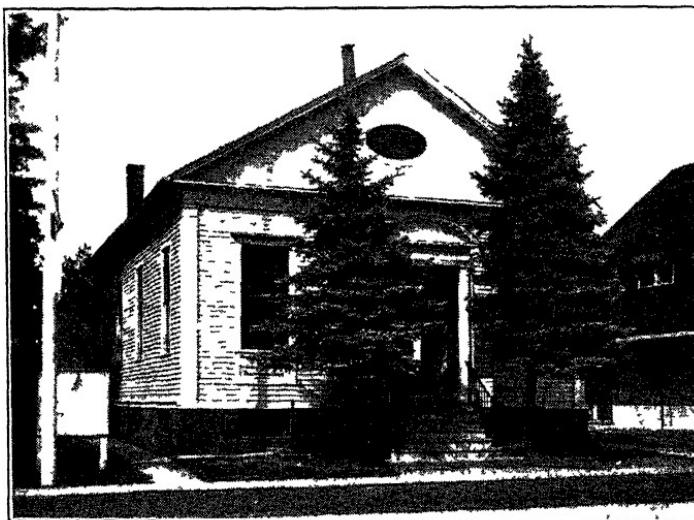
The interesting session of a town meeting occurs after the balloting — usually in the afternoon, but in a few larger towns not until evening. Each voter has been furnished a printed report of the expenditures for the previous year, and the selectmen make an oral report of what has been done during the year. It is then that the policy for the next year is to be discussed — the real interest of the meeting.

Nahum Smith may rise and say, "I should like to be informed why the selectmen took the stone from Red Hill quarry instead of Cross Roads quarry, which is nearer." If there is "a rooster in the bag," he is rather certain to crow. It is difficult for a political boss or ring to prosper under this system because any bag containing a rooster must annually or oftener be brought into the presence of the interested parties, and a Nahum Smith is pretty certain to bring at least one crow from the rooster.

Perhaps the cross-questioning of the chairman of the school committee by Jeremy Jones will bring discomfort to the chairman, much to the delight of the boys seated in the rear of the

hall. Or perhaps the article under consideration is the purchase of an electric light plant or an automobile chemical engine. Or the younger blood may be advocating a consolidated school or a new high school, which is probably opposed by Aaron, Hiram, and Nahum, who live in the country some distance from the center where the school would be located.

Township Officers. — *Selectmen*, of whom there are three, five, seven, or nine, three being the more usual number, are the



TOWN HALL IN AVON, CONNECTICUT

This building is over one hundred years old and is still in use.

principal officers of the township. They are elected by the town meeting, annually as a rule, but in some Massachusetts townships they are elected for three years, one being elected each year.

They issue warrants for holding regular or special town meetings, specifying in a general way the subjects which the citizens desire to have acted upon; lay out highways; grant licenses; arrange for elections; have charge of township property; appoint some of the minor officers; and may act as assessors,

overseers of the poor, and health officers. It should be borne in mind that they have no power to determine the tax rate or appropriate money, these functions being performed by the town meeting, and that they have no powers except those conferred by the State or the town meeting.

The Town Clerk is just as important as the selectmen, and performs many duties which are imposed upon the county clerk outside of New England. He keeps minutes of town meetings, of meetings of the selectmen, and other town records; he records the vote for State and county officers and issues marriage licenses; and he records births, marriages, and deaths. He is elected by the town meeting for only a year at a time, but is usually reelected for a great number of years.

Other Township Officers are the town treasurer, assessors of taxes, overseers of the poor, justices of the peace (so considered in some States), constables, commissioner of roads (under various titles), a school committee (board), and numerous other less important officers. Most of these officers are elected at the annual town meeting. Some years ago the township of Middlefield, Massachusetts, had eighty-two voters and eighteen officers.

Difficulties of Township Government. — Township government in New England has a noble heritage, but to-day there are many conditions unfavorable to the town meeting type of government. Ease of transportation and communication is centralizing financial, highway, police, health, and educational powers in the State. The influx of French Canadians and Europeans who are unaccustomed to local self-government adds discord to the town meeting. The growth of factories increased the diversity of interests between the settlement and the surrounding farms. In some places the town meeting has been undermined by the caucus, held beforehand, to nominate candidates for office.

The increase in the population of many towns has left the town hall too small for a town meeting. Some of the larger towns are remedying this by a limited town meeting. Brook-

line, now with a population of forty-odd thousand, was the first to adopt this plan. An Act of 1915 divided the town into nine voting precincts and provided for the election of twenty-seven members of the limited town meeting from each. Some settlements that have reached an unwieldy size have been incorporated into municipalities, like cities of other sections of the country; and the city council takes the place of the popular assembly.

Absence of Townships in the South and West.—In the Southern and Western States townships cannot be said to exist. In some States the counties are subdivided into one or more sets of districts for one or more purposes. They have no township meetings, and districts other than school districts usually have no power of taxation or of owning property, and few, if any, officers independent of county officers. They are simply convenient divisions for performing county functions. Different districts exist for various purposes, such as schools, roads, justice, and elections; and one kind of district commonly overlaps another kind. The name for the more important of these districts varies from State to State.¹

III. COUNTY TOWNSHIP SYSTEM

Imitation of New England Township Government.—Nowhere outside of New England is township government so important as in those six States, but in the tier of States extending from New York to Nebraska it is of considerable importance. The northern portions of these States were settled largely by emigrants from New England, who were accustomed to town-

¹ In North Carolina, South Carolina, Missouri, Arkansas, Montana, and Nevada these districts are called *townships*; in California, *judicial townships*; in Virginia, West Virginia, and Kentucky, *magisterial districts*; in Tennessee, *civil districts*; in Mississippi, *supervisors' districts*; in Georgia, *militia districts*; in Texas, *commissioners' precincts*; in Delaware, *hundreds*; and in the remaining Southern and Western States, *election districts* or *precincts*, except in Louisiana, where the parishes (counties) are subdivided into *wards*.

ship government, but those who settled the southern portions were from Pennsylvania and the States to the south of the Ohio River and were accustomed to county government. Those accustomed to county government had never attended town meetings but preferred to elect county officers and trust them with all functions of local government.

The result was a compromise. Some functions were assigned to the county and some to the township. In this tier of States the State government preceded the township government and created it; hence those democratic elements did not develop as they were found in New England, where the township existed first and created the States.

County-Township Conflict in Illinois. — When Illinois was admitted to the Union in 1818, the greater number of her citizens were emigrants from the South, who had settled in the southern part of the State, so the State was divided into counties, which were governed by a small board of county commissioners elected at large according to the Pennsylvania plan.

By 1848 when the second State constitution was framed, New England settlers, or emigrants with New England ideas, had settled in large numbers in the northern part of the State; so in this constitution we find a local option provision which permitted the voters of each county to divide the county into townships whenever the majority should vote in favor thereof. To-day 86 of the 102 counties of the State have townships.

Township Officers in the Central States. — The New England title of *selectmen* is nowhere found in the Central States. In Pennsylvania, Ohio, Iowa, Minnesota, and the Dakotas their place is taken by a "board of supervisors" or "trustees." In other States there is a well-defined head officer who is assisted, and checked in some matters, by a township board. In New York, Michigan, and Illinois, where this officer is called "supervisor," he is also a member of the county board of supervisors. In Indiana, Missouri, Kansas, and Oklahoma the title of "township trustee" is applied to this officer. The other usual town-

ship officers are the clerk, assessor, treasurer, overseer of the poor, overseer of roads, justices of the peace, and constables

Village Government Weakens Township Government.— Townships of the Central States are not only under greater State and county control than New England townships, but as soon as a considerable settlement develops it will obtain a "village" or "town" charter from the State and then exist as a separate government, performing all or certain functions within its boundaries that were formerly performed by the township. In New England many compactly settled communities which would be incorporated cities in other States and absolutely independent of the township are there a part of the township.

IV. GEOGRAPHICAL TOWNSHIPS

The Terms "Governmental Township" and "Geographical Township" Distinguished.— In the preceding sections we discussed townships merely as divisions of territory for the purpose of government, and these are known as governmental or political townships. Divisions of territory for the purpose of surveys are another kind of townships, and are known as geographical or congressional townships because they are merely bounded by imaginary lines drawn upon the earth in accordance with Acts of Congress.

In States where the geographical townships were surveyed before settlements were made, they were generally used also as governmental townships; but in some localities natural obstacles, such as rivers and mountains, made them unsuitable for purposes of government, and separate areas were created for governmental townships.

Conditions Preceding Geographical Townships.— During the colonial period New England and the Southern States developed two very different land systems. In the South as the settlers pushed from Virginia and North Carolina into Kentucky and Tennessee the pioneer selected a fertile piece of land and occupied it. A rude survey was made by a public surveyor.

or his inexperienced deputy, the limits were marked by "blazing" the trees with a hatchet, and the survey was put on record in the State land office.

Conflicting patents¹ were not infrequently given for the same tracts, and this produced no end of lawsuits. Some of the feuds for which the mountains of eastern Kentucky were once famous are said to have grown out of these disputed land patents and the irregularly shaped pieces of land which lay between the patents. This Southern system, which encouraged initiative and resourcefulness, has been called "indiscriminate location."

In New England the laying out of geographical townships preceded the settlements made during the eighteenth century, and there could be no title to land outside of townships. Square townships were easier to survey in a systematic way than those of any other shape; hence when the land north of the Ohio River, known as the Northwest Territory, was to be surveyed, Thomas Jefferson suggested that it be surveyed into square townships for convenience of description when sold by the government, and to prevent disputes as to title. He also had in mind that they would be of convenient size for governmental townships.

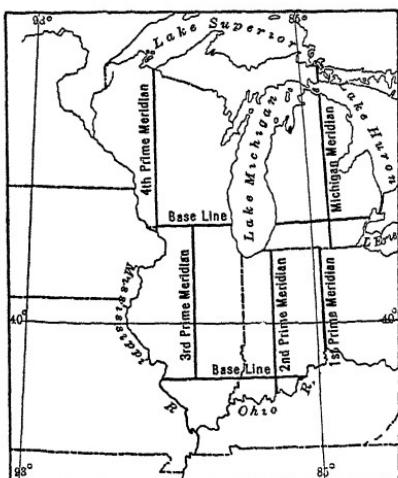
Geographical Townships in the West. — When Congress was preparing for the government and settlement of this Northwest Territory, the National government decided that it should be laid out into townships six miles square.² A law of Congress passed in 1785 applied this system of rectangular surveys to all lands belonging to our public domain. This "Ordinance of 1785" was the foundation of the American land system, and its leading principles have continued in operation to the present day.

According to the system gradually perfected, north-and-south and east-and-west lines are established. As starting points

¹ "Patent" as here used means a written title to land granted by the proper State authority.

² The fact that a six-mile square rather than any other size square was adopted by Congress has no special significance.

certain meridians have been designated as *prime meridians*. There are twenty-four of these, the first being the dividing line between Ohio and Indiana, and the last running a little west of Portland, Oregon



MERIDIANS AND BASE LINES

lines for surveys in different parts of the country. For example, eleven of them cross the State of Oregon

On each side of a base line are subordinate parallels called *township lines*, six miles apart, and numbered north and south from their base line. Thus these range lines and township lines divide the land into townships six miles square

The map on this page shows the prime meridians and base lines in Ohio, Indiana, and Illinois; that is, in the area between the Ohio and Mississippi rivers. From any prime meridian the tier of townships directly east is called range 1 east (R. 1 E. in

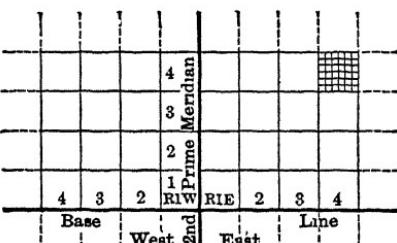
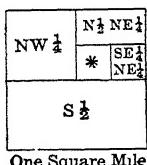


FIGURE 1

Figure 1) and of course other ranges are numbered east and west of that meridian. They are likewise numbered 1, 2, 3, etc. both north and south of the base line. Thus the sectioned township in Figure 1 is township 4 north, range 4 east of the 2d Prime Meridian in the State of Indiana.

This township six miles square is surveyed into thirty-six square miles, which are numbered as shown in Figure 2, and each square mile is called a *section*. Each section is subdivided into rectangular tracts known as halves, quarters, half quarters, and quarter quarters, as shown in Figure 3. Thus if we consider this square mile (Figure 3) as section 1 of Figure 2, we should describe the forty-acre tract starred in Figure 3 as follows SW $\frac{1}{4}$, NE $\frac{1}{4}$, Sec. 1, T. 4 N., R. 4 E., which means the southwest one quarter of the northeast one quarter of section 1, township 4 north of the base line in range 4 east of the 2d Prime Meridian in the State of Indiana. So you can readily see that if this tract is to be sold, it is very easy to describe it in the deed of conveyance¹ without the costly aid of private surveyors.



One Square Mile

FIGURE 3

6	5	4	3	2		
7	8	9	10	11	12	
18	17	16	15	14	13	
19	20	21	22	23	24	
30	29	28	27	26	25	
31	32	33	34	35	36	

Six Miles Square

FIGURE 2

we should describe the forty-acre tract starred in Figure 3 as follows SW $\frac{1}{4}$, NE $\frac{1}{4}$, Sec. 1, T. 4 N., R. 4 E., which means the southwest one quarter of the northeast one quarter of section 1, township 4 north of the base line in range 4 east of the 2d Prime Meridian in the State of Indiana. So you can readily see that if this tract is to be sold, it is very easy to describe it in the deed of conveyance¹ without the costly aid of private surveyors.

QUESTIONS ON THE TEXT

- 1 Explain how county government originated in America.
- 2 What functions are performed by county governments?
- 3 What State first established county "boards of supervisors"? "Boards of commissioners"? How did they differ originally?
- 4 What legislative powers have the county boards? What administrative powers?
- 5 What judicial officers has a county?

¹ A deed of conveyance is a contract giving the boundaries or real estate transferred from one person to another.

574 COUNTY AND TOWNSHIP GOVERNMENT

6. What other county officers are there in the State in which you live? For what terms are they selected? What are their duties?
7. What is meant by *posse comitatus*? Of whom does it consist?
8. What officer does Massachusetts have instead of a coroner? Why is the Massachusetts plan preferable to that of most other States?
9. Who grants marriage licenses in the State in which you live? Who records deeds?
10. How may county-city duplication be remedied?
11. Explain how the New England town or township originated.
12. What does "town" mean in New England? What does it mean in the South and West?
13. What powers do New England towns possess?
14. Explain the work done by a town meeting. What is a town "warrant"? What is a moderator? What are the duties of the selectmen?
15. What are the benefits of a New England town meeting?
16. How are the various town or township officers selected in New England? For what term?
17. What are some of the difficulties of township government in New England?
18. By what name are the districts known into which the counties of your State are divided?
19. Explain to what extent the Central States imitated New England township government.
20. Why are townships less important in States having numerous villages than in New England?
21. Describe the county-township conflict in Illinois. In what division of States are counties least important?
22. In your State what title is applied to township officers, such as the "selectmen" in New England?
23. What is meant by a governmental or a geographical township? How did they come into existence, and why are they useful?
24. Explain how a survey of land is described where geographical townships exist

PROBLEMS FOR DISCUSSION

1. Give the names of as many county officers as you know
2. Bound the county in which you live
3. If you had a vote, would you vote for a member of the county board of commissioners or supervisors who favors low taxes or high taxes?

4 Could your county board enact an ordinance requiring all heavy vehicles to have wide tires? If not, what body could give it authority to do so?

5 In Virginia each city of the first class forms a separate county. The San Francisco government embraces the whole county. Which method of avoiding overlapping powers do you consider best?

6 Some Southern counties have dispensed with a county treasurer and the taxes are collected and warrants paid by a designated bank for about half the usual cost. Do you favor the new plan?

7 In the United States there are about 3000 counties. If this was enough when one traveled to the county seat on horseback, is it too many when we have automobiles and telephones? If an attempt is made to consolidate counties do the office holders favor or oppose it? Who else oppose it? Would it be easier to agree to consolidate at a future designated date?

8. There is no county official corresponding to the President of the United States, the governor of the State, or the mayor of a city. Responsibility is scattered into too many hands. Would you favor centralizing it in a county manager? How should the manager be chosen? Would you have him take the place of other county officers and appoint such assistants as he needs? In that event the people would elect the county board or commissioners, the board would choose the manager, and he would hire and fire his assistants.

9. Should the prosecuting attorneys for counties be elected by the voters or appointed by the Attorney General of the State?

10. Should each county elect an auditor or should the State Auditor appoint district auditors to safeguard the finances of several counties?

11. Should the State Governor appoint county sheriffs?

12. If you do not like the above proposals, would you favor having the county board or commission appoint all county officers?

13 Oregon permits counties as well as cities to vote bonds for water districts and electric power districts. Is this power as logical for counties as for individual cities?

14 The Chamber of Commerce persuaded the farmers of Kent County, Maryland, to pave 51 miles of secondary road in one year. The county had paved roads for tourists and the larger cities, but some of the by-ways were almost impassable in winter. The farmers were shown that paved roads would save them 2 cents on every mile traveled by motor vehicles, so they voted a bond issue. The bonds are cared for largely by the county's share of the State gasoline tax. In order to bring the road close to all of the farmers they paved nine feet with crushed stone shoulders. Had they made an 18-foot road, half of the

farmers would have paid taxes but would have had no paved road. The pavement can be widened as funds are available. Would you favor a nine-foot pavement for the by-ways of your county?

15. A man bought some poor land and settled on it with his wife and two children. The unproductive soil yielded him only an aching back and a broken heart. Stranded on the so-called "farm" in which his hopes and meager fortune had been invested, he turned to whatever other source of income he could find. His home was 12 miles from the nearest school, so he wrote to the county school superintendent:

"My wife still has her teaching certificate. Couldn't you give her a job teaching the children at home rather than have them travel 24 miles a day to and from school? If you can't, well, I have a Ford that will run. How about giving me a job driving them back and forth to school?"

The county was legally bound to see that the settler's children had schooling, so the county was saddled with a new expense.

Should people be allowed to move on to land where they can't possibly make a living, and burden the county for schooling and roads? Should not rural areas be *zoned* like cities? (See page 600.) Wisconsin has zoned twenty-four counties and restricted the use of some 5,000,000 acres to forestry and recreation. People already there are not forced to move unless the United States or the local government buys the land, but no newcomers are allowed to move to this low-grade zoned land.

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CHAPTER XXXIII

VILLAGE AND CITY GOVERNMENT

I. VILLAGE GOVERNMENT

“Village” Defined.—A village is an organized community whose population is less and whose government is more simple than that of cities in the same State. When enough people



Philip Gendreau

A NEW ENGLAND VILLAGE
Old Litchfield, Connecticut, where Henry Ward Beecher and Harriet Beecher Stowe were born.

collect in a district sufficiently compact to justify such public improvements as sidewalks, street lights, and a public supply of water, a State permits them to form a government separate from that of the township or county in order that they may select officers, collect taxes, and provide these public conveniences within the defined area.

In the New England States villages have not been created, except in a few cases in Maine, Vermont, and Connecticut, because there the township itself is sufficiently organized to collect taxes and provide these public conveniences.

In the West and South the small incorporated centers of population are called "towns," but in the States east of the Mississippi River which border on Canada they are more generally known as "villages," and in Pennsylvania, New Jersey, and Connecticut the English term "borough" is commonly used. However, for the sake of uniformity, the term "village" will be used to include towns and small boroughs.

How Villages Are Incorporated.—Each State prescribes under what conditions and in what manner a community may become incorporated as a village. In Alabama 100 inhabitants are all that are necessary, but a minimum of 200 or 300 is a more common requirement. Some States further specify that the required number of inhabitants must reside within a prescribed area—a square mile in New York State.

In some States a community may become an incorporated village by a charter enacted by the State legislature, but the usual procedure is for the inhabitants to present to a designated public officer a petition with a prescribed number of signatures. When this officer (usually a judge) is satisfied that the conditions necessary to become a village are fulfilled, he will declare that the people living within a certain surveyed area are incorporated¹ as the village of X and have such powers of self-government as the State has granted to villages. In most States the officer may not declare a village incorporated until the inhabitants have voted in favor of it at an election called by the officer when petitioned to do so by a prescribed number of the inhabitants.

Powers of Villages.—The few incorporated villages of New England continue a part of the township for many important

¹ "Incorporated" means created into a legal body (artificial person) by the State. This body may then bring suit in court, borrow money, or enter into other contracts as a natural person may do.

purposes, such as roads and schools, but may provide for sidewalks, water, lights, sewers, fire protection, and police protection, independently of the township. In those States which adopted the New England township system the villages remain a part of the township for certain purposes, but are more independent of the township than those in New England.

In certain other States, including New Jersey, Pennsylvania, Wisconsin, Minnesota, and the Dakotas, the villages are entirely independent of the township and have power to perform township functions in addition to the usual village functions. In the South and West, villages, called "towns," are usually included in the township, or county district known by some other name, but as these districts are unimportant the village has power to deal with practically all local problems except those attended to directly by the county.

The Organization of Village Government. — *The Council.* — Every village has a legislative body usually known as the council or the board of trustees. This body varies in number from three to nine, and is usually elected at large for terms of one or two years. In all States the council has power to determine the tax rate, within certain limits prescribed by the State, and to appropriate the money for the various needs of the village.

Generally it can levy special assessments against persons whose property borders streets which have been especially favored by sidewalks or other improvements, but villages have rather limited power to borrow money, and most villages must submit the question of a bond issue to the voters. The power to pass ordinances differs from State to State and often from village to village as provided by the State. Commonly a council may choose certain officers and regulate their duties, pass health and police ordinances on special subjects within certain limits, determine the license taxes of movies, peddlers, public vehicles, and other businesses that are licensed; control streets, bridges, and public grounds; maintain police and firemen, and control any public services owned by the village.

The Mayor — The principal executive officer of a village is usually called "mayor" or "president," and is ordinarily elected for one or two years. He presides over council meetings, and usually has the rights of a member, but in some villages he merely casts the deciding vote in case of a tie, and in very few villages does he have the veto power. He enforces the village ordinances enacted by the council, and in a number of States he acts as police justice.

Every village has a clerk or recorder, a treasurer or collector, and a police officer ("constable," "marshal," "sergeant," or "bailiff"). There are in many places a street commissioner, an assessor, and an attorney or solicitor. In the West these officers are usually elected by the voters; in other sections they are commonly selected by the council or appointed. Some villages have a justice of the peace, and if the village forms a separate school district it, of course, has school officers. Larger villages have such officers as health, fire, lighting, sewer, or cemetery commissioners.

II. CITY GOVERNMENT

Meaning of the Term "City." — A city is a governmental unit created by the State, with more population and more powers than a town or village. Each State determines how many inhabitants a town or community must have to become a city, and what governmental powers it will permit its cities to exercise.

In Kansas a community with as few as 200 inhabitants may become a city, but in New York State 10,000 inhabitants are required. There are about as many of our forty-eight States which create city governments with less than 2500 inhabitants as there are which require a greater population, but the United States census classifies as cities all incorporated places with as many as 2500 inhabitants.

Rapid Growth of Cities. — When the first United States census was taken in 1790 only 123,475 people, or about 3 per cent of the population, dwelt in cities with as many as 8000



CITY GOVERNMENT

This mural by Charles Allan Winter is in the City Hall of Gloucester, Massachusetts. The central figure with hand upon the fasces represents Government. Near her are figures bearing the lamp of enlightenment and the city seal. At the back are the National and State flags. Fire, Police, and Legal Departments flank the central groups, while in front are depicted Education and Charity. At the right are Engineering, Trade, and Commerce.

inhabitants. New York, Philadelphia, Boston, Baltimore, and Charleston were then the only cities of that size

Just nine years previous to the taking of this first census Watt had taken out a patent for his double-acting steam engine, which made large-scale manufacturing possible. Fulton's steamboat (patented 1809) and Stephenson's locomotive (1829) made easy the transportation of raw materials to the factories and the distribution of the manufactured products from the factories. Thus factories were erected where there was transportation, and workmen had to move to the factory town for employment.

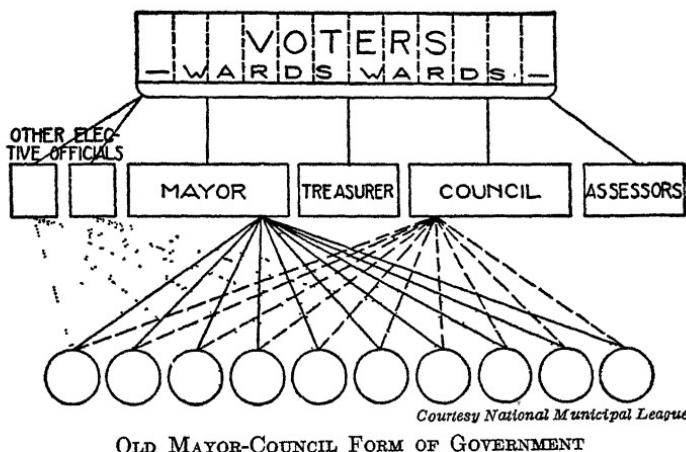
As a result of the invention of various farming implements, less labor was needed for the production of food and other raw material; therefore the excess labor was employed in turning the raw products into luxuries — grains into breakfast cereals, wool and cotton into fine clothes, and iron ore into automobiles. So long as improved machinery and fertilizers continue to reduce the amount of labor necessary to produce the world's food supply, so long will cities probably continue to grow.

The growth of cities over 2500 by decades has been as follows:

DATE	TOTAL POPULATION	URBAN POPULATION	PER CENT URBAN
1790	3,929,214	201,655	5 1
1800	5,308,483	322,371	6 1
1810	7,239,881	525,459	7 3
1820	9,638,453	693,255	7 2
1830	12,866,020	1,127,247	8 8
1840	17,069,453	1,845,055	10 8
1850	23,191,876	3,543,716	15 3
1860	31,443,321	6,216,518	19 8
1870	38,558,371	9,902,361	25 7
1880	50,155,783	14,129,735	28 2
1890	62,047,714	22,106,265	35 1
1900	75,994,575	30,159,921	39 7
1910	91,972,266	41,998,932	45 7
1920	105,710,620	54,157,973	51 2
1930	122,775,046	68,954,823	56 2
1940	131,669,275	74,423,702	56 5

This rapid growth of cities is not peculiar to the United States, but is world-wide, and is due to industrial conditions. City growth in England and Germany has been even greater than in the United States.

New York City, with 7,500,000 population, competes with London for first place among the cities of the world. It has a foreign-born population exceeding 2,000,000, including more than 400,000 Russians, more than 400,000 Italians; and Irish, Germans, and Poles exceeding 200,000 each. There are 2,000,000 Jews in New York City — more than in all Palestine. It has an annual expenditure exceeding \$1,300,000,000, and a debt exceeding two billion dollars.



Mayor-Council Type of City Government. — There are three types of city government in the United States: the mayor-council, commission, and city manager. Of these the mayor-council type is the oldest and as yet the most prevalent. It consists of a council — usually composed of one chamber — to make the laws, and a mayor with more or less power to enforce them.

The council, elected by the voters of the city for terms varying from one to four years, enacts city ordinances, determines the tax rate, and appropriates the revenue for city purposes.

The mayor, too, is elected by the voters — usually for the same term as the council. He is the social and legal head of the city, in some cities he presides at council meetings, and in nearly all cities he can veto ordinances passed by the council, which can then become law only by a larger vote of the council — usually two thirds.



CITY COUNCIL IN SESSION

This mural by Charles Allan Winter is in the City Hall at Gloucester, Mass.

Weak-Mayor Type. — In cities of the older type the mayor may have very weak powers : an unwieldy council and sometimes no veto, the administration in the hands of council committees, and perhaps independently elected commissioners and boards. With this divided authority efficiency should not be expected.

Strong-Mayor Type. — In our mayor-council cities the tendency is to put the mayor at the head of the administration and give him power to make good. In such cities the mayor can veto ordinances enacted by the council, usually prepares the budget, and has power to appoint heads of departments and to

dismiss them if they are not efficient.¹ The strong-mayor type is better than the weak-mayor type, but it too has its defects.

Criticism of the Mayor-Council Type — The mayor-council type of city government has been criticized because no one person is responsible. The government is so complex that the citizens do not understand the working of it, therefore some shrewd person, usually a corrupt politician, by making a practical study of it, often makes himself political boss. He receives no salary as boss, but by controlling the elections and filling the offices with his friends he can compel them to spend large amounts of money in a manner which will yield "graft" for him. For instance, in 1868, when Tweed was boss of New York, a courthouse was designed which was to cost \$250,000. Three years later more than \$8,000,000 had been expended upon the building and it was still unfinished. For thermometers, \$7500 was charged. Contractors for various parts of the building presented enormous bills and then divided with the boss. Even if a city avoids a boss there is likely to be a lack of harmony between the mayor and council — especially in the *weak* mayor-council type.

Commission Type of City Government. — A commission government is one in which a few elective officers (usually five) exercise all legislative and executive powers and are held responsible to the voters for their proper use. This form of city government was first tried at Galveston, Texas, in 1901, after a tidal wave swept over the island city and left it in partial ruins — drowning about 6000 of its then 37,000 inhabitants. The city had been extravagantly managed under its mayor-council type of government, and it was unable to cope with the terrible conditions resulting from the flood.

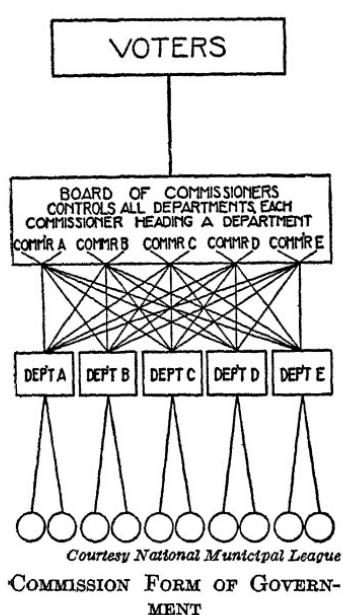
The Texas Legislature granted the city a new charter providing for the government of the city by five commissioners² with power

¹ The school affairs of a city are usually intrusted to an independent school board.

² These five "commissioners" were so named because part of them were originally appointive.

to make laws and enforce them. The plan was intended to be temporary, but it proved so efficient that it was the beginning of a new type of city government, known as the Commission Plan; and publicity concerning it made Galveston famous. The plan

spread rapidly to other Texas cities; and soon Des Moines adopted it with some new features.



The Des Moines Type of Commission Government consists of a mayor and four councilmen (also called "commissioners") elected at large; and all legislative and executive powers assigned to the council are voted upon by the five. The mayor presides at council meetings, but he has no veto power. There are five administrative departments: public affairs, accounts and finance, public safety, streets and public improvements, and parks and public property. The mayor always has charge of

the department of public affairs, and the council assigns the other four departments to the four councilmen. Aside from these essential features of the Commission Type of Government, Des Moines added the following additional features.

(1) *The Initiative*.—25 per cent of the voters can propose a city ordinance and have it voted upon at a special election, or 10 per cent of the voters can have an ordinance voted upon at a regular election.

(2) *The Referendum*.—25 per cent of those who voted at the last election can have an ordinance which the commission has passed referred to popular vote for approval or rejection, provided the petition is presented within ten days of the date of its passage.

(3) *The Recall* — 25 per cent of the voters may demand that any one or all of the commissioners again stand for office at a special election called before the expiration of the term.

(4) *Non-Partisan Primaries Followed by Non-Partisan Elections* — Any person may have his name placed upon the primary ballot by presenting a petition containing twenty-five names. The names of candidates are arranged alphabetically with no indications of party. The ten highest are placed upon the ballot for the regular election in the same manner, and the five highest are elected.

(5) *A Civil Service Committee* — A committee of three citizens is appointed by the commission, for a term of six years, to examine employees for subordinate positions. The employees, however, may be removed by the commission.

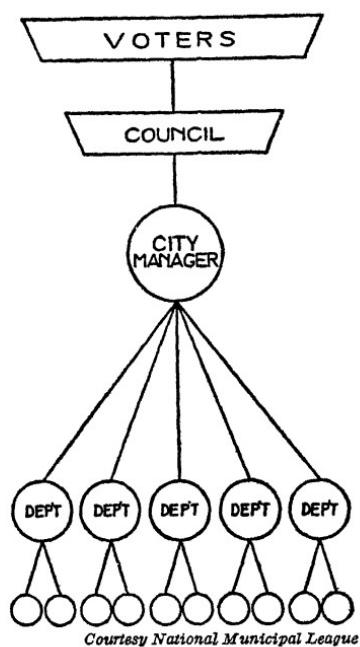
The advantages of the commission government are: (1) the number to elect is small, (2) they can act promptly, (3) they have full power to act, and cannot shirk their responsibility by referring an aggrieved citizen to some one else; and (4) they are easier to watch than if they were many.

The way to get good government is to give power to a few people and watch those few in order to hold them responsible. A city boss does not steal when he is being watched. The commissioners meet in public, record their votes for the inspection of the public, publish their ordinances in the papers, and issue frequent financial reports.

If they refuse to enact an ordinance which the majority of voters desire, the voters themselves may initiate and pass it (initiative); if the commission passes one which the voters do not want, they may have it referred to them and reject it (referendum), if the commissioners are believed to be dishonest or are inefficient, a new election may be called and one or all of the commissioners recalled by electing others to take their places (recall). Thus we get government for the people by a few who are responsible directly to the people.

However, the Commission Plan violates a basic principle of government that legislators should be elected by the people and administrators appointed. The people should elect their representatives as councilmen to make the city laws. But

efficient experts to enforce them and administer the city are usually not good politicians, and may have to come from other cities; and these must be appointed



THE CITY MANAGER PLAN

Compare this chart with the others. Note the simplicity of this form of government, and how responsibility is centralized so the voters can exercise control

policies, and the city manager selected by the council is like the general manager of a commercial corporation

In 1907 Staunton, Virginia, wanted a more efficient city government. Its charter permitted the council to appoint new officers; early in 1908 it appointed a "city manager". He was given full charge of the administration of the city, and was

Moreover, the Commission Plan does not locate responsibility as well as the Manager Type. It often creates five little governments as each commissioner attempts to draw all the money and authority he can to his department, to make himself important

The City-Manager Type of Government. — The manager type of government is really a modification of the commission type. Except in very large cities, it usually consists of a council of three or five members, who determine the policy, but select a manager to administer the government of the city. The council of five who represent the people are like the directors of a commercial corporation who are selected by the stockholders to determine the business

allowed to appoint and dismiss heads of departments and other city employees

The manager of Staunton for the first three years was Mr Ashburner of Richmond, formerly construction engineer for the Chesapeake and Ohio Railroad Company. Through business-like methods he brought about efficient administration for the city. For example, by purchasing supplies for all of the departments he saved a neat sum for the city; he laid granolithic walks at about half their cost when put out at contract under the old system; and by putting meters in all houses the usual shortage of water was overcome. About a hundred other cities have added a manager to their existing form of government.

The first real manager government was organized by Sumter, South Carolina, in 1912, after obtaining permission from the State legislature. The first three councilmen were exceptionally capable men, one being a planter, one a banker, and the third a lawyer. They advertised for a manager and chose one from another State. He brought about a number of economies.

An interesting incident is told of how this manager got rid of mistletoe which was killing miles of trees in the city streets. It had not been removed previously because of the great cost. The manager knew that mistletoe has a time and place value, so he had the mistletoe cut from the trees and sold it in the North for enough to cover the entire cost of cleaning the trees.

An amendment added to the Constitution of Ohio in 1912 permits cities to draft their own charters, and after the flood in the spring of 1913 Dayton elected a charter committee pledged to the manager plan, and their charter was accepted by the voters. Dayton was the first city with more than 100,000 inhabitants to adopt the manager plan.

The Dayton Type of Manager Government is as follows:

- (1) A Commission of five elected from the city at large for a term of four years, partial renewal biennially, on a salary of \$1200. Duties enact ordinances, determine policy, make appropriations, and elect a manager and a civil service board.

(2) A Mayor who is the commissioner receiving the greatest vote the year that three are elected. Merely first among equals. Duties: presides at meetings of the commission, is ceremonial head of the city, suits against the city are brought in his name, is agent of the governor in carrying out the State militia law, but has no veto.

(3) A Manager chosen by the commission for an indefinite term. Removed either by commission or by recall of the voters. Salary determined by the commission. Duties: enforces the city ordinances, employs and dismisses department heads, dismisses even civil service employees subject to appeal, advises commission as to needs of city.

(4) Non-Partisan primaries and elections.

(5) Initiative.

(6) Referendum.

(7) Recall of commissioners or manager.

(8) Publicity provisions as in the regular commission plan.

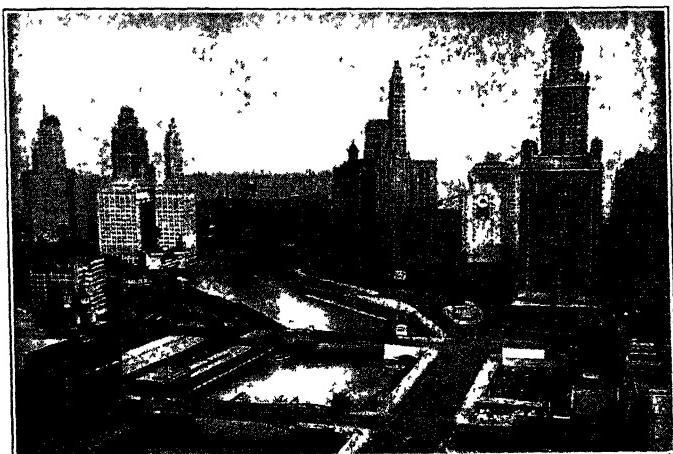
The manager type of government has given satisfaction to the majority of people in Dayton, but minority groups, such as Socialists, complain that they have no representation because all five commissioners are elected at large.

About 600 cities and towns have adopted the manager type of government either by charter amendments or by ordinances where the city councils have added a manager to their old type of government; and many others have adopted a modified manager plan.

The advantages of the manager plan are: (1) The burdensome duties are performed by the manager, therefore a prominent business man can afford to serve as commissioner because he can continue with his regular business (2) The manager may be chosen from within or without the city. (3) The manager may be chosen without political considerations (4) Powers and responsibility are centered in one man. "If anything goes wrong you know whom to hang." Either the manager or three of the five commissioners are to blame. Commissioners give the manager great latitude (5) It makes city governing a profession instead of political "graft" For instance, the manager of Staunton received \$2500 a year, but was successful and became manager of Springfield, Ohio, on a salary of \$6000, and

then of Norfolk, Virginia, at \$12,000, and then of Stockton, California, at \$20,000.

In practically all cases where the city manager plan has been adopted the result has been not only increased efficiency in the administration of the municipal government, but a noticeable saving in the expenses of the municipality.



WACKER DRIVE, CHICAGO

This two-deck drive and two-deck bridge relieve traffic congestion where Michigan Avenue and Wacker Drive converge.

City Charters.—A city government has only such powers as the State grants it. These powers are usually enumerated in a charter which contains the name of the city, a description of its boundaries, the form of its organization, and an enumeration of its powers. Until recent years it was the practice in most States for the legislature to grant a separate charter for each city. This procedure resulted in a favoritism to certain cities. In time, however, many State legislatures grouped their cities into classes according to population and enacted general uniform laws for the government of all cities of a class.

Home Rule for Cities. — City inhabitants felt that they should have more control over their own government, and "home rule" provisions were placed in the constitutions of a number of States. These provisions allow the people of a city, under certain restrictions,¹ to frame their own charter. Of course these charters must not contain provisions inconsistent with the State laws.

Of the States permitting cities to draft their own "home rule" charter none is more liberal than Ohio.² The Ohio Constitutional Convention of 1912 gave cities the power either to frame their own charters or to adopt by local referendum any general or special charter laws which the State legislature might pass. The legislature promptly prepared three model charters: one of the council-mayor type, one of the commission type, and one of the manager type. However, most of the larger cities of Ohio prepared their own charters and are now enjoying self-made or "home rule" charters.

A home rule charter may be framed by the city council, by a group of interested citizens, or by a charter convention com-

¹ The restriction may be a four-sevenths majority of the city voters, the approval of the governor, or the approval of the legislature.

² The following States have constitutional municipal home rule:

STATE	YEAR OF ADOPTION	APPLICABLE TO
Missouri	1875	Cities of over 10,000
California	1879	Cities of over 3500
Washington	1889	Cities of 20,000 or over
Minnesota	1896	Any city or village
Colorado	1902	Cities of 2000 or over
Oregon	1906	Any city or town
Oklahoma	1907	Cities of over 2000
Michigan	1908	Any city or village
Arizona	1912	Cities of over 3500
Ohio	1912	Any city or village
Nebraska	1912	Cities of over 5000
Texas	1912	Cities of over 5000
Maryland	1915	Baltimore and any county
Pennsylvania	1922	Any city
New York	1923	Any city
Wisconsin	1924	Any city or village
Utah	1933	Any city or town

posed of elective delegates. It is then submitted to the voters for ratification or rejection. Amendments are submitted by the council or else initiated by petition, but must be submitted to the voters.

Legal Liability of Cities and Towns. — *Liability for Breach of Contract.* — The city or town is liable to the same extent and in the same manner as a private corporation for contracts legally made in the exercise of powers granted it by the State.

Liability for Torts (Wrongs) of Employees When Engaged in Undertakings of a Private or Corporate Character. — If a city or town operates a water system, a lighting plant, a street railway, or other income-producing properties, the city or town is engaged in business and is liable for the wrongful acts of its officials and employees very much as a private corporation is liable for its officers, employees, and other agents.

Not Usually Liable for Torts of Employees When Engaged in Purely Governmental Functions. — "The King can do no wrong" is an adage handed down to us through the ages. After our separation from England we associated the same idea with the State. "The State can do no wrong." The birth of counties, townships, cities, and villages as offspring of the State carried with it this heritage of governmental immunity. Thus a city is not usually held liable for wrongs committed by such city employees as police, firemen, public school teachers, or employees of the health service, because these functions are performed for the general good and not for profit.

Tendency to Increase Liability of Cities — According to common law inherited by our States from England, a city is not liable for the wrongful acts of its employees engaged in governmental functions. But the State courts (*e.g.*, in Ohio) have increasingly construed common law so as to increase the liability of cities.

Also State legislatures have here and there enacted statutes specifically increasing the liability of cities. For example, in 1929 the California Legislature removed all governmental im-

munity of the State and its subdivisions respecting damage caused through the negligent operation of any motor vehicle by its employees.

According to this California Act, the city is liable for damages if a traffic officer or a driver of a fire engine negligently injures another car or a person. But we must not let this exception mislead us. Outside of California, or a State with similar legislation, the general common law rule would not hold the city liable under these circumstances.

QUESTIONS ON THE TEXT

1. What is a *village*? Where are incorporated places so named?
2. Where are small incorporated centers called *towns*? *Boroughs*?
3. What is meant by the term *town* in the New England States?
4. How are towns or villages created in the State in which you live? How many inhabitants are necessary?
5. What are the usual powers of towns or villages?
6. By what name is the legislative body of a town or village commonly known? What character of ordinances may it enact?
7. By what title is the principal executive officer of a town usually known?
8. What other officers do towns or villages commonly have?
9. How does a city differ from a town or village?
10. How many inhabitants are necessary for city government?
11. What per cent of the American people lived in cities in 1790? In 1930?
12. What has been the cause of such rapid growth of cities? Is this rapid growth of cities peculiar to the United States?
13. What three types of city government are there in the United States?
14. Is the tendency toward a council of two branches or of one branch?
15. Explain the present organization of the mayor-council government for cities.
16. How is the mayor selected and what are his duties?
17. How is the council selected and what are its duties?
18. Explain why the mayor-council type of city government does not work well and why it is favored by political bosses
19. Describe the commission type of city government. Explain how it originated in Galveston.

- 20 Is "commission government" the correct name for this type of government?
- 21 What do you mean by *city charter*? What are the provisions of the Des Moines charter?
- 22 Name four advantages of the commission type of government.
- 23 Describe the city-manager type of government. Explain how the idea originated in Staunton, Virginia.
- 24 Explain the working of this type of government in Sumter, South Carolina.
- 25 Why and when was the manager type adopted in Dayton, Ohio?
- 26 Explain the Dayton type of manager government.
27. What are the advantages of the manager type of government?
- 28 What is meant by "home rule" for cities? Why is it important? Which State has the most liberal "home rule" provisions?
- 29 Explain to what extent a city is liable for breaking a contract; for wrongs resulting from negligence of its employees.

PROBLEMS FOR DISCUSSION

- 1 What offices has your town or village and by whom are they filled?
- 2 Bound your town or village. Name all the incorporated towns or villages within your county.
- 3 What county taxes are paid by the residents of your town or village?
- 4 What is the population of your town or village?
- 5 Why does your town or village need a government distinct from that of your county?
- 6 Since 1925 Cincinnati has had the Manager Form of Government. A council of nine is elected by proportional representation; and the council chooses the mayor and the manager. Col. C. O Sherrill, honor graduate of West Point, army engineer, etc., was manager until he resigned in 1930. Then Clarence Dykstra was manager until he resigned in 1937 to become President of the University of Wisconsin. Then Col. Sherrill resigned a \$50,000 position in private life to again become Manager of Cincinnati for \$25,000. What do these facts imply as to the value of manager government and the type of managers attracted to Cincinnati?
- 7 Would you favor an annual town meeting at which your principal public officials would explain their duties and problems?
8. What determines the location of cities? *
- 9 Does your State constitution contain any provisions in regard to cities? What are they? Could your town become a city? How?

10. How many cities has your State? What is the population of the largest? Of the one in which you live?
11. Name the principal officers of your city. How are they selected? For what term?
12. The cities of Ohio are allowed to draft their own charters. Do you think every city should be allowed to prepare its own charter?
13. States may enact any laws which do not conflict with Federal laws. Why not allow all cities to enact any laws which do not conflict with State laws?
14. Is the city likely to get the best results by electing only a few officers or many?
15. Other things being equal, should a city manager be an old resident of the town or an experienced manager from another town?
16. Would you advocate paying a manager of a city of 100,000 population ten or twenty thousand dollars?
17. A city charter authorized the city to "construct and operate an airport." The city constructed an airport, but leased it to an individual instead of operating it. Why did the court decide that the city did not have power to lease the airport?
18. According to the common law rules would a *city* be liable for damages in most States under the following circumstances?
 - (1) A policeman lost his temper when arresting a drunken driver and broke the latter's arm.
 - (2) The motorman of a city-owned and city-operated street railway started his car too soon and injury resulted to a passenger boarding the car.
 - (3) The city ambulance carrying a patient to a quarantine station drove recklessly and smashed a private car.
 - (4) Typhoid fever was contracted from city water because of carelessness on the part of the city employee in charge of the reservoir.
 - (5) A Chinese restaurant was destroyed by a gang of ruffians because the police were sympathetic with the gang and did not give vigorous protection.
19. Would you vote to make your city liable for all damage to individuals or their property through negligence on the part of your city employees? For malicious acts on the part of the employees? For accidents which they cannot avoid? Is your city or the individual better able to bear the loss?
20. If your city were liable for damages under all circumstances, would it be more or less careful in the selection of its officers? Would it be likely to pay higher salaries?
21. If you should choose city managership for a profession, what kind of educational preparation would you make?

22. Should the United States establish academies similar to West Point and Annapolis for the training of city officials?

23 In San Francisco as soon as a street accident is reported a white police car speeds to the scene so that evidence may be collected while it is "hot." Eye witnesses are interviewed on the spot, a map is made of the accident scene, and the wreckage is photographed Does this police "Traffic Court on Wheels" work to the advantage of the more innocent party or the reckless driver? Has your city as good a method?

24 New York City is a federation of 5 boroughs (Manhattan, Brooklyn, the Bronx, Queens, and Richmond). Each borough elects a president for the term of four years with an annual salary of \$15,000. He has charge of local improvements such as grading and paving streets.

The mayor is elected by a city-wide vote every four years and receives a salary of \$25,000 a year. He has power to appoint and to remove heads of departments, may veto ordinances passed by the council, prepares the annual budget, and presides over the Board of Estimates

The city council is elected by boroughs for a term of four years by the system of proportional representation. The number depends upon the number of votes cast. In 1937 twenty-six were elected to the council. The council has the usual city legislative powers except where restricted by the Board of Estimate.

The Board of Estimates consists of eight members: the mayor, the comptroller, president of the council (all elected from the entire city for four years), and the 5 borough presidents. This board directs the business affairs of the city, fixes salaries, controls the retirement system, adopts the budget, and must approve all city debts.

Is New York of the manager, commission, weak-mayor, or strong-mayor type?

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CHAPTER XXXIV

VILLAGE AND CITY PROBLEMS

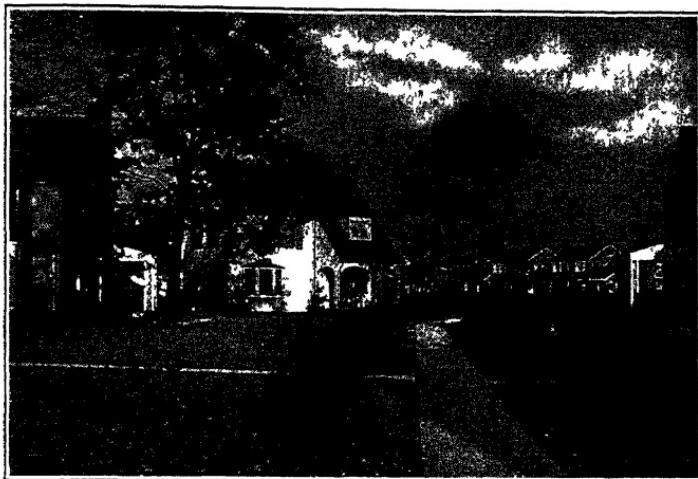
City Planning. — Washington City was planned by L'Enfant before it was built. It has beautiful circles, adequate parks, parallel streets systematically named according to the alphabet with those at right angles numbered, houses numbered 100 to the block, and wide avenues cutting diagonally through the city as the shortest distance between two points Paris was remade on a grand scale a century ago by Napoleon III, who was unhampered by legal restrictions for the protection of private property which have made large-scale city improvements in America difficult. Many early American cities just grew without plan, like the narrow crooked streets of the original Boston which are said to have followed cow paths However, to-day States are removing restrictions on urban development, and many cities are wide awake to their possibilities with city planning commissions on the job

Radburn Plan — The City Housing Corporation, a limited dividend company,¹ built a model town in New Jersey called Radburn It is planned to provide the utmost in health, safety, convenience, and happiness for those who live there Most of us have continued to build our homes facing the street, without stopping to consider that the street of to-day is comparable to a railway track. We have a steady stream of smelly, honking motor cars, busses, and trucks, raising dust and giving off fumes, and making the front porch anything but a pleasant place to spend an evening

¹ Profits on the stock are limited to 6 per cent per annum Surplus profits go into improving the community or lowering the cost of the houses

At Radburn homes are grouped in enormous blocks bounded by traffic arteries. The houses do not face on these traffic avenues but cluster around short closed-end streets opening off the traffic roads. Thus only such traffic as is intended for the houses on any particular closed-end street will enter it.

In the United States an automobile kills some one every twelve minutes, so Radburn provides safety for those who walk. While



A VIEW OF RADBURN

one side of the house faces on the closed-end street, the other side faces a garden through which pedestrians enter by a path which leads into a long park strip running through the center of the super-block. Instead of walking over a traffic street you have underpasses connecting the blocks.

The center of a large block is a park or playground, or school, or other civic or benevolent institution.

Metropolitan Areas.—Where several or a number of cities grow up near together, there are problems which are common to them all and cannot satisfactorily be handled by them singly. Such problems are water supply, sewage disposal, law enforcement, transportation, and city planning. These problems are

sometimes met by the creation of special districts for dealing with one or more problems common to the whole area. In time a federal system might develop with one authority handling problems affecting the whole region, with minor authorities for smaller districts within the larger area.

In 1898 the boundaries of New York City were extended to include the adjacent urban area within the State of New York, within which five boroughs were provided. There is one mayor and a central legislative body, but each borough has a president with limited power over local improvements.

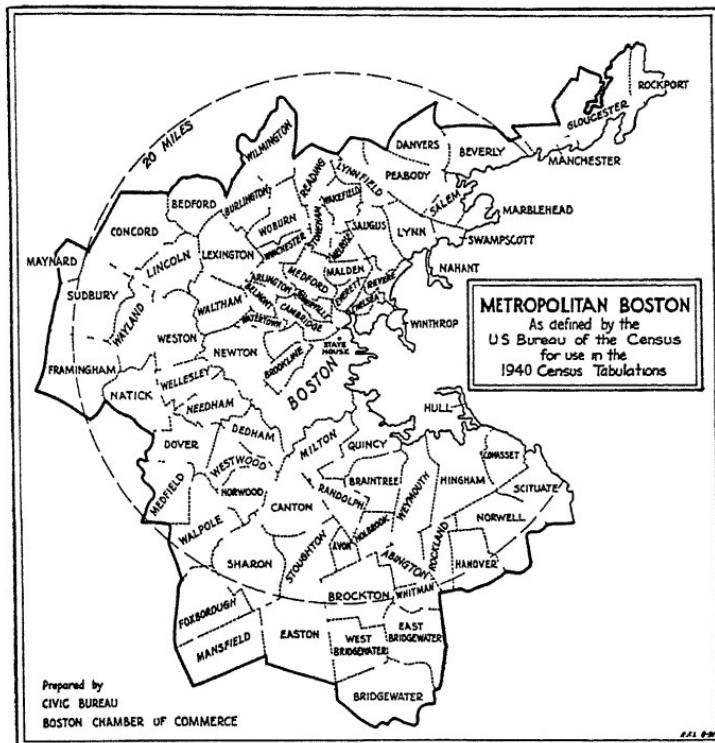
In 1921 a Port of New York Authority was created with jurisdiction over an area of 1500 square miles and a population of more than 8,000,000. Three members of this commission are appointed by the Governor of New York and three by the Governor of New Jersey. The duties of this Port Authority are to plan for the development of the port, secure the best use of its facilities, and construct and operate bridges, tunnels, and other utilities — all to be financed by the sale of bonds secured by the pledge of the works themselves and their revenues.

The Boston Metropolitan area includes about forty municipalities, of which the population of Boston proper is only about one third. In 1889 a metropolitan sewerage district was created; in 1891 a metropolitan park commission; and in 1895 a metropolitan water board. In 1918 a metropolitan district commission was created, which combines the functions of these authorities, and also has duties in connection with planning the development of the metropolitan region. The governing authority of this district is a board of five members appointed by the Governor of Massachusetts. There is also a rapid transit commission for this region.

Zoning. — *Introduction.* — One would be surprised to find a cook stove in a parlor or a piano in a kitchen. Yet it was just as absurd for American cities to allow stores to crowd in at random among private dwellings, and factories and public garages to come elbowing in among neat retail stores or well-kept apart-

ment houses, or tall and bulky office buildings to rise so closely crowded that the lower floors become dungeon-like and unsatisfactory for human use

The courts would not allow city councils to restrict the use of private property except in case of such well-recognized nuisances



BOSTON METROPOLITAN DISTRICT

as pig pens, glue factories, tanneries, slaughterhouses, forges, gas works, oil tanks, powder magazines, and the like. We inherited the right to regulate the location of these nuisances in the common law of England

In time sanitary science taught us that there were many nuisances which we had not formerly recognized; and with the

spread of culture, ugliness hurt the eyes as noise had hurt the ears or odors the nose. So judges recognizing new nuisances gradually permitted more and more regulation of private property as a proper exercise of the police powers. For example, Boston was allowed to limit the height of buildings. Then Los Angeles was allowed to exclude brick yards from residential districts. And Roanoke, Virginia, was allowed to require buildings to be erected a specified distance back from the street.

It has long been the practice of real estate dealers in establishing suburban plots to sell the lots subject to certain restrictions as to their use. These restrictions are incorporated in each deed of conveyance. But it is only since a Supreme Court Decision rendered in 1926 that the cities have definitely known that it is legal to plot a whole city into districts, or zones, in which there are restrictions as to the height and size of buildings, the percentage of the lot that may be occupied, the size of yards and courts, the location and use of buildings, and the use of land for trade, industry, residence, or other purposes.

The Purpose of Zoning is well stated in the following ten points set forth by the Boston City Planning Board:

1. Zoning divides the city into districts, according to the most suitable and valuable uses for each district, based on existing conditions and future needs, and regulates the location and use of new buildings.

2. Zoning makes provision for ample *general business districts* in suitable locations in which industrial plants may not impair the business environment.

3. Zoning places suitable land in *industrial districts* where the best of transportation facilities by rail, water, and highway may be secured and factories may easily expand without tearing down expensive buildings.

4. Zoning provides *unrestricted districts*, suitable places for those heavy industries such as stockyards, boiler works, coke manufacture, and other industries that would be objectionable elsewhere.

5. Zoning regulates the *heights of buildings* appropriate to their use, so as to provide an equitable distribution of light and air for all, minimizes overcrowding of people, and relieves traffic congestion.

6. Zoning provides *local business districts*, conveniently located near residential neighborhoods, where stores will be concentrated instead of being scattered everywhere.

7. Zoning protects the comfort, convenience, and quietness of *residential districts* by excluding stores, public garages, laundries, factories, and other business and industrial uses.

8. Zoning establishes *uniform building lines* in residential districts to assure an equal amount of light and air and access for all residences.

9. Zoning provides adequate light and air by *side and rear yards* around every building in the suburban residential districts and establishes the *percentage of area of a lot* that may be occupied by buildings.

10. Zoning preserves the home character of single and two-family *residence districts* by segregating types of residences into districts where they are appropriate.

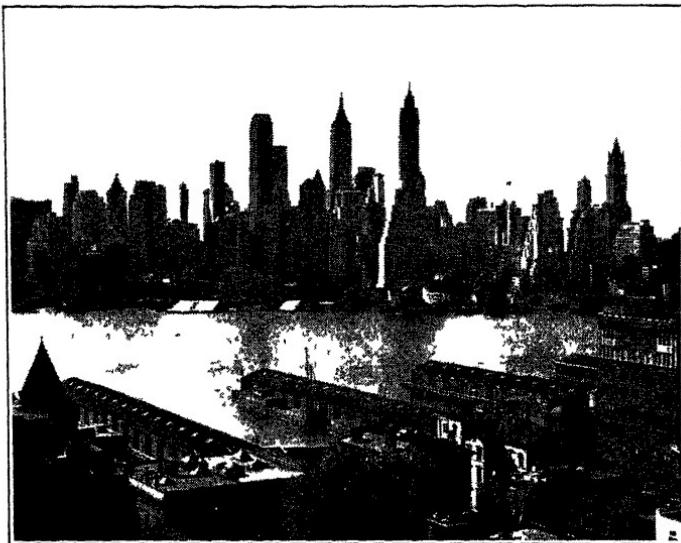
A Zoning Law Must Reasonably Promote Health, Morals, Safety, or the Welfare of the Citizens. — States, or cities with the consent of States, have power to protect the health, morals, safety, and general welfare of the community. These powers are called the "police powers" of the States, and unless the restrictions in the use of property can be justified in the courts as a proper exercise of the police powers, they will be declared void as depriving one of liberty or property without due process of law (unreasonably) (Amendments V and XIV.)

A Zoning Law Must Provide for the Issuance of Permits under Circumstances Where the Law Would Cause an Unreasonable Hardship. — Under a Zoning Law there must be an appeal to the city council or some board of adjustment where citizens consider the application of the law to work unreasonable hardship in their cases. For instance in Portland, Oregon, a residence district was zoned against various things, including churches. A congregation petitioned and obtained a permit to build a church there. It agreed to build a beautiful structure on a half block — 150 feet from the nearest residence. It would have been a hardship on the congregation to have to build the church in another part of the city.

A Zoning Law Must Not Apply to Structures Already Erected, Except As Applied to General Nuisances — For example, a zoning law cannot require buildings higher than the specified height to be torn down, nor apartment houses in a restricted

zone to be abandoned, nor residences moved farther back from the street. The law applies to future building.

However, as a city grows, it can require such nuisances as slaughter houses, powder magazines, glue factories, or stables to be removed.



Richard Averill Smith

THE SHAFT-LIKE BUILDINGS OF NEW YORK CITY VIEWED FROM BROOKLYN

Excess Condemnation. — In America, if land is needed for public use, the city may have it condemned through the right of eminent domain. To take land for streets, parks, public-building sites, bridge heads, and the like, is clearly to take it for public purposes. But it may be desirable, in connection with a public improvement, for a city to acquire more land than is actually needed for the immediate purpose. For example, if land for a new city hall is acquired in a congested district, it may be desirable that the city should take some unsightly property near by in order to have the new structure set in

favorable surroundings It may also be desirable to resell the excess land under such restrictions as will insure the attractiveness of the district This is the regular procedure in Europe, but in many American cities, the constitutions, laws, and courts stand in the way However, some States have amended their constitutions, and their courts now permit "excess condemnation" Hence, city planning with an eye to the beautiful as well as the serviceable is becoming possible.

Billboards. — Nothing mars the beauty of city streets more than billboards. City laws prohibiting billboards on private property have usually been declared unconstitutional because the courts have considered the restriction an unreasonable interference with one's use of his private property. (See United States Constitution, Amendment XIV) The courts do not *yet* consider the unsightliness of billboards a sufficient annoyance to compel one to remove them from his private property. However, billboards which might conceal thugs, produce disease, set fire to adjoining property, blow down and destroy life, or obstruct the vision and endanger traffic may be prohibited

For instance, New York requires fireproof billboards with secure wind braces and prohibits electric signs which unduly interfere with sleep Chicago requires billboards to have an open space below them and at the sides. St. Louis limits the area of billboards to 500 square feet, some cities tax them as real estate, and others impose a license tax of so much a square foot.

Public Utilities. — A public utility is an enterprise which, though under private ownership, makes use of public property and is a natural monopoly. Street railways, telephone lines, gas plants, and electric lighting plants are good examples of city public utilities

In past years many cities tried the plan of setting two public service companies at rivalry with one another, but this involved public inconvenience, and soon competition proved unprofitable and a resulting combination would raise rates enough to recover former losses.

There can be no economic competition between public utilities operating in the same area. Therefore, as public utilities are monopolies by nature, there must be public authorities over them to prevent any abuse of their power.

A public utility must obtain a *franchise* (right to use public streets or other property), which is commonly granted by the city council. This franchise specifies the duration of the privilege and contains many provisions as to the rates and quality of service.

In order to make the regulation of public utilities elastic it is usually provided that differences of opinion regarding rates and service shall be determined by a *public service commission*. The larger cities sometimes have a public service commission of their own, but more often a State commission regulates rates in the cities as well as in other parts of the State because

- (1) the public utility often extends beyond the city boundaries;
- (2) the commissions are expensive,
- (3) a State commission is less likely to be prejudiced.

Public Ownership. — If public utilities are owned by the city, the council or a designated body regulates rates and service

Slum Clearance. — City slums, to say nothing of rural slums, have become a national disgrace, so the National Government is in a variety of ways cooperating with local governments and corporations in low-rent housing projects. The war having ended, the rebuilding of our cities should be a major project. (See Chapter XXXIX.)

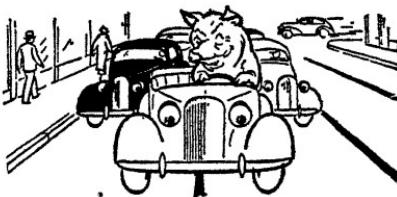
Traffic congestion, accentuated by motor transportation, has become a problem in all cities. Street-planning commissions have been created to study the problems and make recommendations for improvement. The following accomplishments may be suggestive:

Chicago gets rid of freight trucks in the congested district by means of a 63-mile freight subway.

The old Erie Canal has been abandoned and the city of

Rochester has turned the bed into a subway for passengers and freight, and built an avenue over it

San Francisco has relieved congestion in front of the Municipal Ferry where the electric cars from all parts of the city converge and circle, by digging a tunnel under the circle for through traffic. It has built two enormous bridges to span the harbor and the Golden Gate. Los Angeles has pedestrian tunnels under dangerous streets adjacent to school houses. New York is extending subways, tunnels, and bridges; and is restricting parking on congested streets

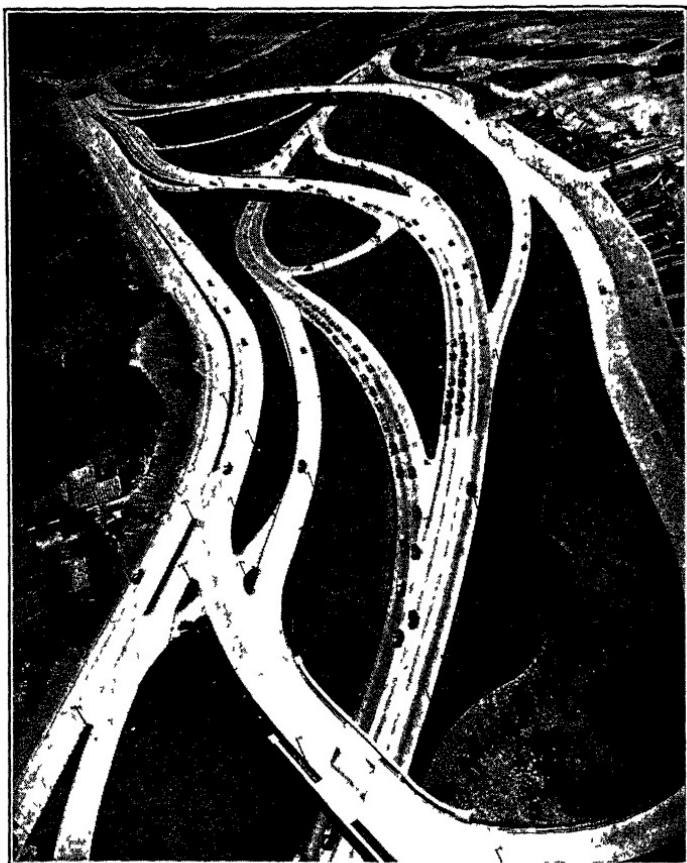


ONE CAUSE OF TRAFFIC CONGESTION

In Chicago, between Wacker Street and Chicago River, the commission houses were removed and a wide drive built. This drive has two levels and communicates with the two-level Michigan Avenue bridge and approaches—in all, a dozen blocks of wide two-level street. Chicago has also built a long boulevard on Lake Michigan, paralleling the shore line. It is now constructing a passenger subway system.

Some cities have improved street intersections by rounding corners; others have built loops around business districts, and still others have eliminated railroad crossings by either tunneling or elevating the tracks or by tunneling or elevating the street

Traffic Accidents.—In the United States street or highway accidents result annually in about 35,000 deaths, a million personal injuries, and nearly a billion dollars in economic loss. Many cities are endeavoring to reduce these losses through better traffic engineering, traffic regulation, and traffic education. When Barron Collier was deputy commissioner in charge of the bureau of public safety of the New York Police, he reduced fatalities to one half through an educational campaign.



Pictures, Inc

AN AIRVIEW OF THE NEW LONG ISLAND PARKWAYS

This remarkable group of highways, which eliminates grade intersections, effectively reduces the number of accidents.

He said that accidents are caused by carelessness; therefore the work of his bureau was to make people think

The first form of carelessness as revealed by his records is carelessness in crossing streets — "jaywalking." This one cause alone accounted for practically fifty per cent of street accidents. Through newspapers, street car posters, posters in garages, billboards, pamphlets, lectures in schools and theaters, and millions of small cards handed out by boy scouts, Mr Collier persuaded people to cross streets at the right places and in the right manner.

To assist him in reaching the public consciousness he created a new character, "Aunty J. Walker," a smiling old lady in uniform, armed with a club and a benevolent smile which would attract attention anywhere. Aunty J. Walker would advise you to "Cross streets at crossings, not in the middle of the block. Go straight across, not diagonally. Look both ways."

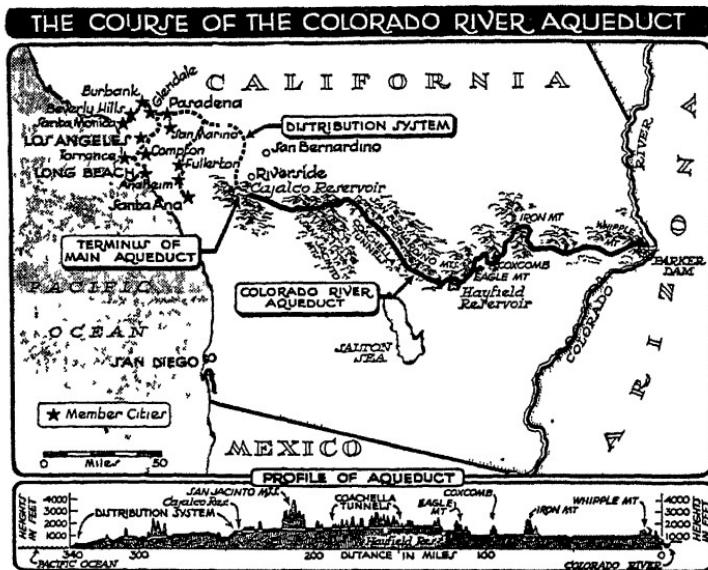
Through Boulevards relieve traffic congestion. For instance, New York has elevated the down-town portion of Riverside Drive and is constructing a two-way East River Drive.

Water Systems. — In 1907, when Los Angeles had a population of only 200,000, the city had sufficient vision to spend \$25,000,000 on a water system. It brought water 250 miles — 54 miles through mountains and 150 miles across deserts. The gravity of the water supplied 120,000 horse power of electrical energy through five power plants, and reclaimed 150 square miles of arid lands near the city. Each year this watered garden yields products of a value equal to the cost of the entire water system. Also this water controlled by Los Angeles forced most of the surrounding suburbs to become a part of the city. Hence the water has made possible the growth of the city from 200,000 to more than 1,500,000 population.

In Los Angeles there is now an auto for every three people. This unexpected expansion in transportation has enabled the population to spread over a wide area. This necessitates an enormous quantity of water to maintain green lawns and grow shrubbery and shade trees in such a dry climate. It is estimated

that it requires about 125 gallons of water per day for a tree — as much as the average per capita consumption.

To keep the water supply ahead of the population, the city has built a series of dams at the mouths of the great canyon basins along the way. In these, water is stored during the wet



Courtesy New York Times

Power from Boulder Dam pumps water through a 16-foot tunnel. Some power is regained by dynamos at falls along the aqueduct.

season and allowed to pass through the power plants uniformly. If a break occurs along the pipe line, no waste results. The water is stored in the reservoir just above, and the lower reservoirs keep the power plants running and supply the city. One reservoir, completed in 1925, is about 300 feet in height, and another beautiful one completed the same year overhangs the very edge of Hollywood. Therefore, there is a canyon full of water right at the edge of the city which will take care of any emergency.

Still looking ahead, Los Angeles, with other cities forming the Metropolitan Water District of Southern California, voted a \$220,000,000 bond issue for a billion-gallon-a-day water supply from the Colorado River. The Reconstruction Finance Corporation helped finance this project by buying part of these bonds.

Sewage Disposal. — Most cities no longer contaminate streams by sewage. For instance, in Baltimore sewage is siphoned from one tank to another, then flows through a revolving screen, is sprayed into the air by thousands of small fountains, and is filtered through stone and sand. It flows into Chesapeake Bay as pure as the water in the city reservoirs. As the water falls from the filtration beds into the bay, it is used to generate electricity by which the disposal plant is operated. Pasadena uses its filtered and treated sewage to water a city farm which produces oranges, English walnuts, grain, and hay.

Wharves. — New Orleans, gateway to the Panama Canal, owns practically all of its water front, and the State of California has long been developing the water front of San Francisco. Greater New York now owns 349 of its 577 miles of water front. Since the World War, New York City has increased its city-owned wharfage available for transatlantic steamers by 26,000 lineal feet — about 5 miles. This extension was made on Staten Island, and it is planned to connect this island with Brooklyn by a freight and passenger tunnel under the Narrows. During the year 1917 the Port of New York, for lack of facilities, made a gain of only five per cent in its export trade, while Philadelphia increased over fifty per cent, Baltimore thirty per cent, and Boston twenty-five per cent. Therefore, the City of New York, to insure its commercial primacy, made this expansion in wharfage.

Los Angeles, whose center is 21 miles from the coast, has a water frontage of 40 miles, a large part of which is improved. This city also owns a 48-mile belt line railway, which prevents any railroad company from monopolizing the wharves.

The Lake cities own very little of their wharfage, and though

the United States has spent more than \$20,000,000 improving and maintaining a 30-foot channel for the harbor of Galveston, the wharves are owned almost entirely by private persons

Cultural and Recreational Progress. — Our cities need from half a million to a million more teachers to give all children the educational advantages that some have, and at least a million children are without safe places to play. However, many cities are making progress along cultural and recreational lines. A report of the Berkeley, California, Chamber of Commerce, made the following appeal to its members : "Berkeley to-day is growing fast enough Let us bend our energies to supply schools and playgrounds, parks and boulevards, enlarge our library, start a civic center, maintain our symphony orchestra, start an art gallery and a museum of natural history, and, indeed, provide those things which will make us stand out in the eyes of the world as a really enlightened and superior community The right kind of people will want to live in such a place and will come here automatically, just as fast as we can make provision for them."

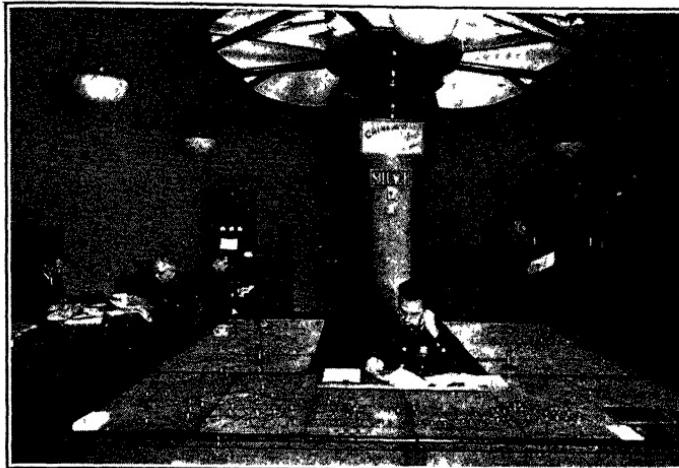
The New York City Radio Broadcasting Station enables the public officials to tell the people what their departments are doing. For instance, summaries of the proceedings of the city boards are broadcast the evening of the meeting In addition, entertaining and instructive programs are rendered through this municipal station.

Health Protection. — Most cities have a health board to look after the general health conditions of the city. School children are inspected in nearly all American cities, and in many, free treatment is given to the eyes and teeth Free medical dispensaries are commonly maintained to supply the needs of the poor

In 1906 a group of 24 of our largest American cities had a typhoid fever death rate of 35 to a 100,000. Now the rate for these same cities is 3 per 100,000 — less than in the rural communities around them. This reduced death rate is due to protection of water supplies, pasteurization of milk, supervision of

food markets and restaurants, supervision of nurturing and shipment of shell-fish, and the increased use of anti-typhoid inoculation.

Radio as a Police Weapon. — In Detroit swift police cars carry two or four police and such aids as a machine gun and tear bombs; and they are equipped with receiving sets. If



RADIO STATION OF THE POLICE

By radio police headquarters keeps in constant touch with cruising car in all parts of the city.

some one phones police headquarters of crime or attempted crime, the cars cruising in that part of the city reach the scene in a few minutes. If some one observes the number of the car used by bandits, the fact is broadcast to police cars throughout the city. The progress of a fleeing car may also be broadcast to police cars from police headquarters

QUESTIONS ON THE TEXT

1. What good features has the Washington City plan? Radburn, N. J.?
2. How was the New York metropolitan problem handled? The Boston problem?

3. How was the use of land limited previous to zoning laws?
4. What are the purposes of zoning cities?
5. Explain how zoning aids health, morals, safety, and welfare.
6. What is meant by a zoning Board of Adjustment?
7. Does zoning apply to past developments, future, or both?
8. What is "excess condemnation," and to what extent is it legal in the United States? Should it be legal?
9. May a city forbid billboards on private property? May it discourage them?
10. What is a public utility corporation? Are these corporations usually regulated by a city commission or a State commission? Why?
11. Give suggestions for remedying traffic congestion
12. How many traffic accidents occur in the United States? How might the number be reduced?
13. Explain the Los Angeles water system.
14. Should cities own the docks? Name some cities that do.
15. Describe the Baltimore sewage disposal system.
16. What induces people to come to a city?
17. How has the typhoid fever death rate been reduced?
18. How are Detroit police equipped to combat bandits?

PROBLEMS FOR DISCUSSION

1. If you were zoning your city, where would you permit residences only? Apartment houses? Schools? Churches? Hospitals? Retail stores? Garages? Filling stations? Factories? Stockyards? Moving pictures? Pool halls? Dancing halls?
2. One half of a block is zoned for residences only; the other half facing another street permits garages. The latter street is widened and cuts off so large a portion of the front of the garage that the owner cannot make it pay. He asks to extend the garage from the rear a hundred feet into the half of the block in which garages are forbidden. The residents protest; one resident claiming that the sale of his property at a nice profit would be called off if the garage is permitted to extend. If you were on the board of adjustment, how would you vote?
3. Do you favor private ownership of electric power? City ownership? County ownership? State ownership? National ownership?
4. Congress authorized a survey to determine the feasibility of a subway for the District of Columbia. Would one be feasible in your city?
5. In 1946 New York City taxing authorities levied a 2% sales tax for the city. Should your city have one to raise revenue for schools?
6. Zurich, Switzerland, built houses on the four sides of large city blocks with playgrounds in the centers of the blocks. These houses

are rented only to families with children Do you think the courts should permit American cities to do this?

7 An American may be a museum piece a few generations hence because our population is moving into cities and cities don't perpetuate themselves Dr Arthur E Morgan, President of Community Service, Inc , says. "In all American cities of 20,000 and over, if no population moved in during the next 100 years, they would have only about 10 per cent left of their present populations," according to their present low birthrate Would more young people remain in smaller communities if the National government helped to provide better schools, and better recreation? If more favorable freight rates were legislated for industries in smaller communities? Would city birthrate increase if the Government gave more income tax exemption for each child?

8 Do billboards add or subtract from the value of property? Do they usually advertise anything that the people need to know about?

9 Automobiles have created a new park problem. The city parks are no longer sufficient for city people. From 1933 to 1937 thirty-seven States acquired 350 new parks for autoists, to which city dwellers have access New York State has 62 such parks One of them, the Adirondack, contains 1,700,000 acres, and the Palisades Interstate Park of 35,000 acres is visited by more than 10,000,000 people annually. Should these parks be supported by the nearest cities, by the State, or by the National government?

10 Chicago has pointed the way for relieving automobile-choked streets by utilizing the interiors of high buildings for garages. In this new type of garage motor cars are automatically stored in record time, and as briskly roll forth at the touch of a button

From forty seconds to two minutes is delivery time in these garages The owner drives his car upon a loading platform before one of the elevators An attendant takes a key from a master board, numbered to correspond with a vacant stall. The withdrawal of the key makes electrical connections which set in motion a sliding platform above, and the vacant stall comes to rest directly in front of the elevator shaft

Meantime the elevator operator punches a button which causes the loading platform to tilt, and the car slides into the elevator

The operator dials a number and the elevator rises to the floor assigned, where the door opens automatically The operator presses a button, and the platform in the elevator tilts, letting the car slide into its stall Bumpers engage the tires and hold the car in place until the owner returns for it A somewhat similar process returns the car What is your city or the city nearest to you doing to relieve traffic congestion? What do you think it should do?

11. The more important causes of traffic accidents follow:

Narrow streets	Excessive speed	Jaywalking
Bad curves	Road hogs	Walking on wrong side
Bad hills	Drinking	Driver-lover
Dirty windshields	Four in front seat	Asleep at the wheel
Glaring headlights	Failing to signal	Daydreamer
Grade crossings	Ignoring stopsigns	Lighting cigarette

Divide these dangers into three groups those that may be removed
 (1) by better traffic engineering, (2) by law enforcement, (3) by education

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CHAPTER XXXV

PUBLIC EDUCATION

Growth of Elementary Education. — Public free schools were established in several of the New England States as early as the seventeenth century, shortly after their settlement; but even there interest in education declined during the next century



LEARNING BY DOING AT NURSERY SCHOOL

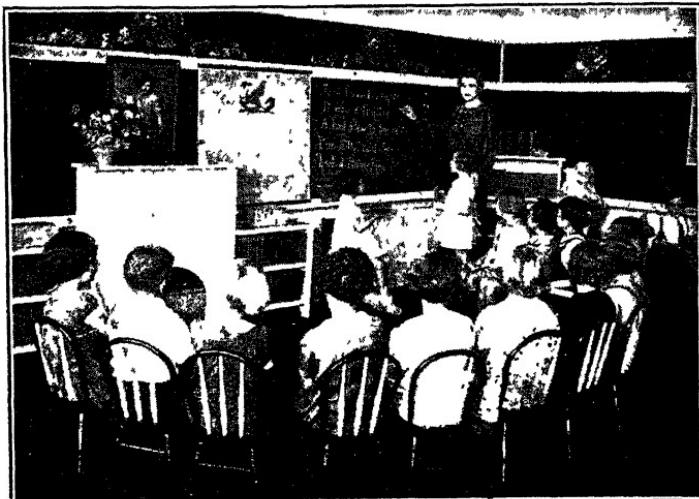
It is doubtful whether previous to the Revolutionary War as many as one half of all the white persons throughout the thirteen colonies could read and write. Most children depended upon the little instruction that their parents could give them at home, and the boys were given the preference

because it was not considered that girls needed much schooling to prepare them for household duties. It was not until the nineteenth century that a systematic effort was made to educate the masses of people throughout the country.

In 1838 Horace Mann, first secretary of the Massachusetts State Board of Education, aroused great interest in public school education throughout the North. In the South there were no successful efforts to establish systems of public free schools until after the Civil War. As late as 1880 17 per cent of the individuals over ten years of age in the United States were illiterate—that is, could not write. By 1930 the number had been reduced

to 43%, but the 1940 Census showed that 13.5% of those over 25 years old (10,104,000 adults) could not read a newspaper.

Compulsory Education — Most States compel youth up to sixteen years of age to attend school unless excused for physical, mental, or a few other reasons¹. A few States require the com-

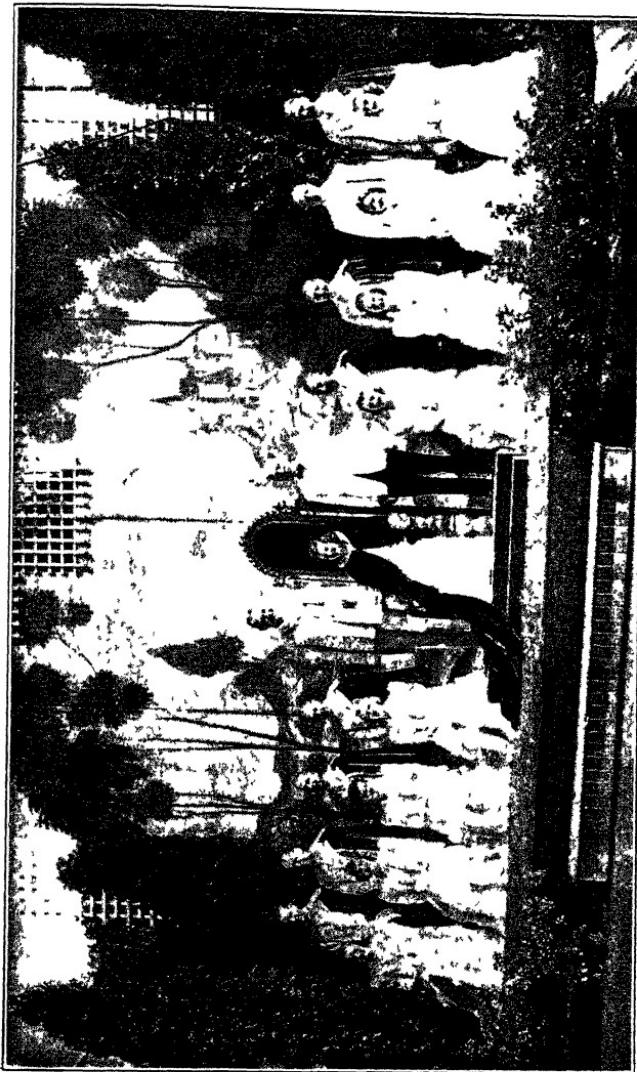


AN ELEMENTARY CLASS IN READING

plete high school course if a high school is maintained by the local school district. In other States some cities, for example Seattle, have compulsory high school education.

Growth of Secondary Education. — Public high schools began to spring up about 1850 in most of the large Northern cities, and gradually spread to the Southern cities following the Civil War. By 1900 most towns had high schools; and the unemployment of young people as well as old during the depression of the thirties resulted in a million increase in high school enrollment. Also there has been a rapid consolidation movement which has brought real high schools to a great many rural communities.

¹ In many States the compulsory attendance law is badly enforced.



THE ROYAL COURT OF THE PORTLAND ROSE FESTIVAL

The students of each high school elect one member as Princess. Each Princess presents herself and speaks to an immense audience in the Municipal Auditorium, and a committee of distinguished persons selects the most queenly as Rose Festival Queen.

Transportation. — Millions of pupils are now being transported to public schools. Without transportation most rural high schools would not be practicable. The free transportation of students insures more regular attendance, reduces tardiness, protects children from wet and cold weather, and moreover, a well-supervised school bus provides a wholesome moral atmosphere.

Junior High Schools. — About 5000 junior high schools are organized. They usually embrace grades 7, 8, and 9. These schools are organized into departments, and this arrangement gives the pupils the advantage of teachers specially trained for the courses they offer. The junior high school tends to hold pupils in school for a year longer, and to give them some insight into social and civic activities.

Growth of Higher Education. — Nine colleges which continue to exist¹ were established under church influence before the Revolutionary War and were assisted by the colonial treasuries. Since the Revolutionary War schools of higher education have increased to about 1700 colleges, junior colleges, universities, and technical schools. More than 600 of these are supported by States and municipalities.

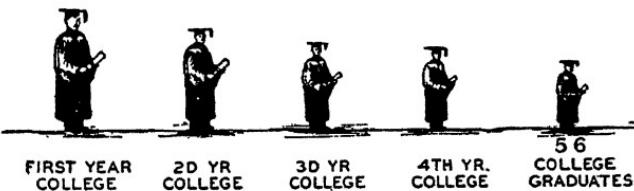
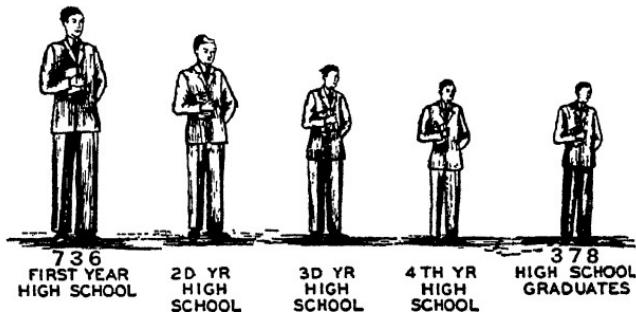
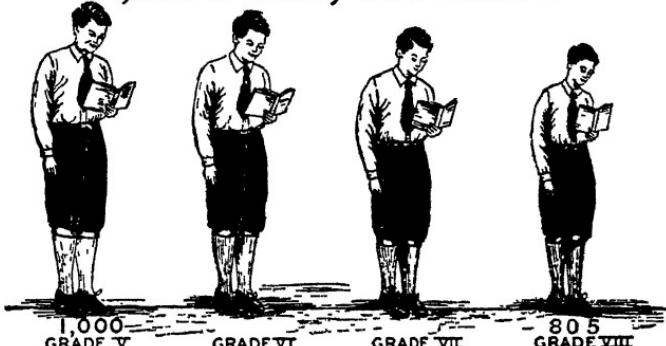
New York does not have a State University; but in 1946 the Legislature appropriated \$100,000 for a commission appointed by Governor Dewey to decide whether the State should have one.

Land Grant Colleges. — Since 1862 the Federal Government has granted to the States about 11,000,000 acres of land for the establishment of colleges of agriculture, sciences, mechanical arts, and military tactics; and it helps to support them.

Higher Educational Aid to Veterans. — From the discovery of America until World War I, less than 1,000,000 graduated from all of our colleges. In 1940 there were 3,400,000 college graduates in the United States. Now the Federal Government is

¹ Harvard (1636), William and Mary (1693), Yale (1701), Princeton (1746), Kings, now Columbia (1754), University of Pennsylvania (1759, reorganized 1779), Brown (1764), Rutgers (1766), and Dartmouth (1769).

WHAT BECOMES OF THE FIFTH GRADE CHILD.
1,000 START, 56 FINISH.



aiding veterans] in obtaining higher education. Still for every college graduate we have three who cannot read newspapers

Junior colleges are gradually increasing. There are about 600, including about 50 in California. They offer locally the first two college years of liberal arts, pre-professional, or completion work, and thus enable many students to extend their



ENTRANCE TO THE UNIVERSITY OF CALIFORNIA AT BERKELEY

education two years because they can remain at home. They are supported by the city or State, or by private endowment

Administration of Public Schools. — Each State has its own system of public schools. Certain central control is reserved by the State governments, but the regulation of school affairs is left chiefly to the local governments — districts, townships, counties, and cities

The District System, which originated in New England, places each school under the control of the patrons residing in the district from which the school is attended. This system is considered inefficient and is being replaced by a system with a much larger unit, such as the township.

The Township System places all the schools within its limits under one authority, usually a small board chosen by the voters. This system makes possible the establishment of consolidated schools

The County System originated in the South, but has spread northward and westward. In 39 States an elective or appointive county superintendent supervises schools outside of independent cities, but he is more or less subordinate to an elective or appointive county school board

The City System exists independent of the township or county in nearly all large cities and most small ones. Usually there is a small school board elected from the city at large, but in some cities the board is appointed by the mayor, the city council, or the courts. For the actual administration of the schools the city board selects a city superintendent

State Supervision — Each State has a superintendent of education,¹ and about three fourths of them have State boards of education. In about thirty-five States the superintendents are elected, but the boards are selected by various methods.² The

¹ He is commonly called Superintendent of Public Instruction or Commissioner of Education.

² In a number of States the State board is ex officio — the governor, secretary of state, treasurer, attorney general, and superintendent of public

superintendent, or the board working through a superintendent, supervises the State system in accordance with the general school laws of the State.

School Revenue spent on public grade schools, high schools, and colleges is only \$3,000,000,000 yearly — less than for intoxicants or tobacco. It is derived principally from local taxes, to a less, but increasing, extent from State taxes, and to a very small extent from the income of permanent school funds and school lands. In some States the local school taxes are levied by the county or city school board while in others they are levied by the county commissioners or the city council. In about half of the large cities the school board submits to the city council for approval or disapproval an estimate of school needs. In the other half the school board either has full power to fix the annual school rate or to decide the amount of money needed and to require the council to levy the taxes necessary to produce that amount, subject to State restrictions.

The Federal government had not aided the State school systems until Congress passed the Smith-Hughes Act in 1917. It now allots to the States, on condition that they provide a like amount, funds for vocational education:

- (1) For the training of teachers of agriculture, trade, home economics, and industrial subjects.
- (2) For the salaries of teachers of trade, home economics, and industrial subjects.
- (3) For the salaries of teachers, supervisors, and directors of agricultural subjects.

The Federal Board of Vocational Education (Commissioner of Education, Secretaries of Agriculture, of Commerce, and of Labor, and three citizens representing agriculture, commerce, and labor) in coöperation with State boards administers the funds.

instruction usually being members Since most school boards have technical functions these boards are not very logical. The members are too busy in their own special fields.

Apportionment of School Funds.—After school taxes have been collected by the State or county the money must be distributed among the townships or other school districts to supplement their local taxes in the support of their schools. There are various bases for the distribution of these funds,¹ but the best is that used by New Jersey in apportioning the county school funds. The sum of \$200 is apportioned to a school for each teacher employed and the remainder of the fund is apportioned on the basis of aggregate days of attendance. This method of apportionment induces the local school board to have a sufficient number of teachers, to encourage a large attendance, and to have a long term.

Importance of Industrial Education.—To-day most products can be manufactured by means of complex machines; but it is necessary to have skilled labor to make, manipulate, and care for these machines. Thus it is necessary that the States educate their industrial classes for the duties which they are obliged to perform to meet the competition of the day.

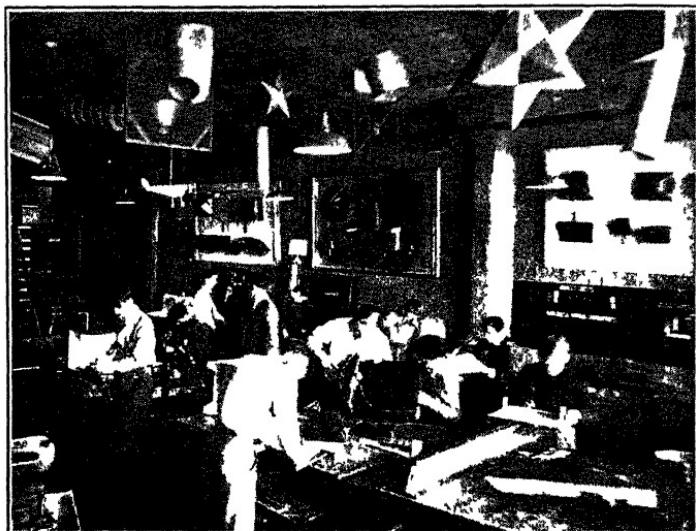
If citizens of one State are industrially trained and those of another are not, those of the latter will do the menial work while those of the former do the skilled, for which the pay is always greater. Instead of merely attempting to force up wages of the untrained, which is impossible beyond a certain point, the States or cities should see to it that the real earning capacity of their citizens is increased by industrial education.

Industrial Training in Cities.—Less than half of our boys complete the eighth grade in many industrial cities, and in a number of industrial cities less than one fourth go beyond the sixth grade. Thus the systematic training of most boys ceases at the age of twelve or fourteen either because they do not care for or cannot afford such schooling as is offered, hence

¹ These various bases are (1) Taxes-Where-Paid Basis, (2) Total Population Basis, (3) School Population Basis, (4) Average Daily Attendance Basis, (5) Aggregate Days Attendance Basis, (6) Teachers Employed Basis, (7) Combined Basis of Apportionment, and (8) Discretion of Board

the great need of to-day is to make possible industrial training for these boys.. Many cities have night schools for boys who work during the day, but industrial subjects are not usually offered.

In Massachusetts, with the consent of the Commissioner of Education, a city or town may establish an industrial school and receive State aid covering one half of the cost. In some



A TYPICAL INDUSTRIAL SCHOOL

cases the trade school is under control of the local school board; and in other cases it is operated under the direction of an independent board of trustees appointed by State authorities. At Worcester apprentice boys in the machine trade spend four hours weekly in the school taking courses in English, shop computation, drawing, and shop practice. The classes are held during the working day

In some colleges giving industrial training, certain students alternate between the school and commercial industry, spending part time in school and part time on the job.

During the depression trades and industry did not take on the usual number of apprentices, and the defense program of 1940 intensified the need for highly skilled mechanics. To expand the training in schools, defense funds were made available. Such industrial education, in addition to a good general education, might profitably become permanent. Skilled mechanics should not be deprived of a good liberal education which fits them for a happier place in the community and a better citizenship in our democracy. This training, as much as two years in addition to the regular high school, would make them masters of their tools instead of slaves to machines.

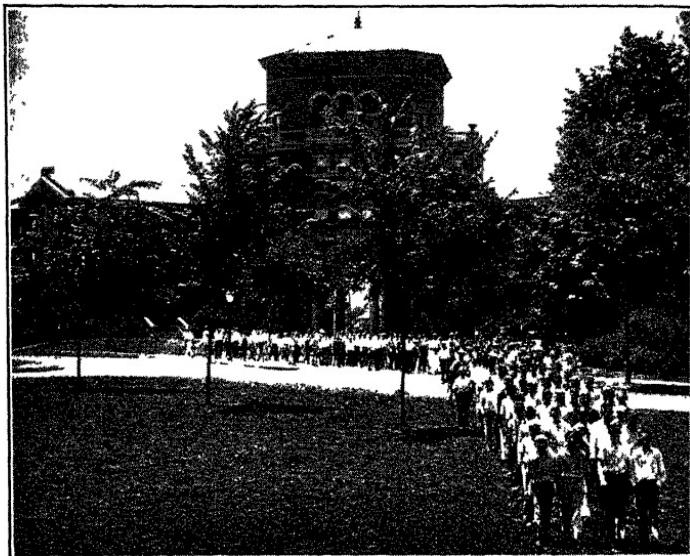
Industrial Training in the Country.—For the same reason that cities need trade continuation schools — to increase the efficiency and earning power of city artisans — the country districts need agricultural schools and farm demonstration extension courses. Some years ago Dr Knapp, who did so much for the encouragement of agriculture, estimated that there was a possible 800 per cent increase in the productive power of the farm laborer in the average Southern State, distributed as follows:

- 300 per cent to the use of better mules and farm machinery;
- 200 per cent to the production of more and better stock;
- 150 per cent to a rotation of crops and better tillage;
- 50 per cent to better drainage,
- 50 per cent to seed of higher vitality, thoroughbred, and carefully selected;
- 50 per cent to the abundant use of legumes and the use of more economic plants for feeding stock

Much has been accomplished since this estimate, but much more remains to be accomplished.

Even before the depression a survey showed that agriculturalists earned only \$150 a year in some sections and \$1000 in Iowa. It is obvious that no substantial improvement in local education can come until the farmers are taught methods which will enable them to provide themselves with larger incomes. Large war income was only a temporary boost

Agricultural High Schools. — In various parts of the country, especially in the South, efforts are being made to establish high schools in rural parts of the States, where boys and girls may be taught to farm in a more profitable manner than has been done by their fathers. In some States, counties are permitted



MEMBERS OF 4-H CLUBS ATTENDING A SUMMER SESSION

and encouraged to establish agricultural high schools, often with State aid. But a more extensive study of agriculture and the mechanical arts in consolidated high schools with good shops is much more common than agricultural high schools.

Agricultural Demonstration. — By the Smith-Lever Act of 1914 Congress provided a system of agricultural extension work to be carried on by the State land grant colleges in cooperation with the Department of Agriculture. The National, State, and county governments jointly support this work.

This extension work provides practical instruction and demonstration in agriculture and home economics to persons not

attending colleges. There are thousands of specialists, county agents, home demonstration agents, and club agents engaged in this work.

4H Clubs. — County extension agents, including club agents, have organized nearly two million boys and girls into 4H Clubs, primarily for the rural youth throughout the nation. Clubs such as cooking, clothing, canning, homemaking, and room improvement are designed principally for girls; and beef or dairy cattle, hogs, sheep, poultry, corn, potatoes, garden, forestry, and woodwork clubs are primarily for boys.

Local, county, State, and National prizes are given, and the topmost youth are often sent to Washington to meet the Secretary of Agriculture and shake hands with the President. Many boys and girls earn money to go to college through their 4H projects. For instance, one year a school girl in Rapides Parish, Louisiana, earned over \$900 raising chickens, canning fruits and vegetables, and sewing. Thousands of clubbers sample college life in summer at Land Grant Colleges. For example, about 2000 spend two weeks at Oregon State College each summer.

METHODS OF EDUCATING THE YOUTH

Teach the Facts and Principles That Former Generations Have Discovered for Us. — These are most available in textbooks of organized knowledge, which insure each student an opportunity to learn the basic facts and principles.

Workbooks, to accompany the texts, are valuable to: (1) hold the students' attention, (2) insure systematic daily study, (3) make available collateral work for the more capable students, and (4) make it possible for teachers to estimate students' daily accomplishments.

Adequate reference libraries should provide substantial collateral reading for the interested students, and more diluted readable material for those who need to be inspired.

Moving pictures are valuable to impress material facts and to dramatize important traits of character, and are time-saving.

Teach Contemporary News and Views. — Students should be required or inspired to read periodicals. If this habit is acquired education will not end with graduation.

Encourage Original Thinking. — Formal lectures are a waste of time unless they inspire, because one can read a printed page faster than one can take lecture notes. A teacher should tell what he knows without lecturing, and learn what the students know without quizzing. Discussions should be well planned and not allowed to drag.

Learning Is Most Effective through Doing. — We remember least of what we hear, more of what we see, still more of what we say, and most of what we do. Some subjects are by nature philosophical, and crowded schools do not permit individual attention; but laboratory methods should be used where feasible.

Physical sciences especially lend themselves to the laboratory method; but to some extent social sciences may be vitalized by visits to governmental bodies and institutions; by mock elections, legislative sessions, and trials; and by student self-government. In college students learn to do by living in cooperative houses. And control of temper can be taught through competitive athletic contests.

Wholesome Attitudes Are as Important as Facts. — A scientific fact may be used to wage a devastating war or to create a cooperative peaceful world of abundance. A wholesome religion and philosophy should be taught in the church, home, and school; but attitudes come through practice as well as through precepts.

A little boy is taught sympathy when taught to feed and care for his pets, a little girl learns kindness when she carries flowers to the hospital, and a high school student learns to become an unselfish leader when through the self-governing student body he promotes various reforms which are in the interest of the unprivileged and unfortunate members of the student body. (See pages 647-648 for Self-Government.)

QUESTIONS ON THE TEXT

- 1 To what extent were the American people educated previous to the Revolutionary War?
- 2 Who aroused great interest in public school education throughout the North in 1838?
- 3 When were public free schools established in the South?
- 4 What is meant by *elementary* schools? *Primary* schools? *Grammar* schools? *Secondary* schools? *Junior high* schools? *Junior* colleges?
- 5 What proportion of pupils complete the eighth grade throughout the United States?
- 6 How are compulsory attendance laws enforced where they exist?
- 7 When did public high schools develop in the United States?
- 8 What are the arguments for the junior high school?
- 9 How many colleges were established in the United States before the Revolutionary War?
- 10 How many colleges are there to-day in the United States? How many students are enrolled?
- 11 Why is a higher education more important for this generation than for the last generation?
- 12 Explain how the United States has aided higher education in the States.
- 13 What is the chief value of junior colleges? How are they supported? About how many of them are there in California?
- 14 Name four systems for administering public schools. Describe each
- 15 From what sources is public school revenue derived?
- 16 Is the amount of money spent on public education as much as should be spent?
- 17 What are the seven different bases for the distribution of school funds?
- 18 Why is it so important that the States furnish industrial education?
19. Explain how industrial education is taught at the Worcester (Massachusetts) High School In certain colleges? Should industrial training be in place of a usual high school course or in addition to it?
20. Explain how farms can be made more productive.
21. Explain how agriculture is taught by "county demonstrators."
22. Describe Boys' Clubs.
23. Describe Girls' Clubs.

PROBLEMS FOR DISCUSSION

1. What provisions does the constitution of your State make regarding education?

2. Is the compulsory education law enforced in your community? If not, by what means do you think it could be enforced?

3. The Manual Arts High School of Los Angeles, California, has a student government organization, which includes all the students and the faculty. Its officers are chosen from the student body, with the exception of the auditor and the treasurer, who are appointed by the principal, the treasurer being under \$2000 bond. The government of the school is practically in the hands of the students, but the principal has a right to interfere when he deems it necessary. Courts are held, where offenders who plead "not guilty" are tried. Counsel represents both sides and a student jury gives decisions. Laws may be established by initiative and referendum, and the recall may be invoked against any elected officer. The organization transacts \$50,000 worth of business a year, the profit going into the treasury of the school. The book exchange, school printing plant, and cafeteria are among the enterprises. Prepare a constitution for the government of your school.

4. During the depression half a billion dollars were given or lent the States to assist public education. An annual appropriation of \$100,000,000 is now urged. If granted would you favor distributing it on the basis of population, or conditionally? What conditions?

5. Has your school a good library of reference books, such as dictionaries, encyclopædias, and atlases? Has your Board of Trustees or your Civic League ever been requested to procure these student utensils? Many States now assist. Does yours?

6. Does your school get circulating books from the State library?

7. Virginia schools of higher rank draw from the State treasury annually a sum of money equal to one per cent of the school annuity in addition to the regular annuity. This money is used as a loan fund for deserving scholars, who may receive sums not exceeding \$100 each for any one session to supplement what they can earn. Upon this loan the students pay 4 per cent interest. The New York State Department of Education awards every year 750 scholarships, each of which entitles the holder to \$100 a year for a period of four years. A list of the names of all pupils residing in each county who are entitled to college entrance diplomas is arranged in order of merit and the scholarships are awarded in that order. Five scholarships are awarded each county annually for each assembly district therein. Which of these plans do you think the better?

8 In many high schools it is customary for either the class in government or the graduating class to go to Washington to see Congress in session and visit the various departments, the Library of Congress, Mount Vernon, and other places of interest. The cost is usually defrayed by a school entertainment. Could the graduates of the several high schools in your county arrange to take this trip together?

9 "There is a vociferous enthusiasm for what is called progressive education, than which, in its extreme forms, nothing could be more reactionary or damaging to youth. By progressive education appears to be meant the turning loose of youth in the world in which they live, to express themselves, as the saying is, and to form such habits and tastes as they from time to time choose or which appear to be natural with them. To call any such process education contradicts all human experience" — *Nicholas Murray Butler*. What do you think?

10 For the school year 1933-1934 half a billion dollars less was expended on publicly supported education than for the year 1931-1932. During the same period the number of cigarettes consumed increased from 106 billions to 117 billions. In 1944 less than 3 billion dollars were spent on public education, but 7 billions was spent on intoxicants. Is this an index of our relative interest in education and luxuries?

11. We are told that only 3 per cent of the 25,000,000 dairy cattle in the United States are pure-bred stock, that the average butterfat per cow in the United States is 160 pounds per annum, that in Wisconsin it is 320 pounds per cow because of the fine cattle owned in that State. Has this statement anything to do with education?

12 There has recently been a strong sentiment in favor of *adult education*, by which our educational system would extend its opportunities to mature persons out of school. The United States Commissioner has recently said that "democracy is a race between education and the chaos of ignorance which destroys democracy and supplants it with dictatorship." If we are to preserve our social order he believes that Adult Educational Programs must be sponsored. Therefore many free forums have been established throughout the country, lecturers and discussion leaders have been supplied, and many universities have undertaken some form of such service. Has any movement of this kind been organized in your community? Do you favor the extension of this program? If so, why?

13 "At a public meeting called to discuss school taxes the following argument is advanced in an effort to reduce school taxes (a) The State and local governments are overburdened with school charges, — 'schooling' is a matter for those who can afford it, — let every one take as much as he can pay for in private institutions, (b) there are

too many 'fads' in education. Let every one be given the good old-fashioned 'three R's' without the many additional 'trimmings' that have been loaded on to our school system, — if the old system were maintained, school expenses would be materially reduced. What would be your attitude toward each of these arguments and how would you express it?" — *The New American Government and Its Work*, by James T Young

14 Dean Lord of Boston University, College of Business Administration, found the average maximum income of the untrained man to be \$1200, of the high school graduate \$2200, and of the college graduate \$6000. The total earnings of each group up to the age of sixty are \$45,000, \$78,000, and \$150,000 respectively. The untrained man at the age of fifty begins to drop towards dependence, while the college man reaches his maximum capacity at sixty. What is the value of a college education?

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CHAPTER XXXVI

MAKING DEMOCRACY WORK

Government and Law Indispensable. — Civilization dawned when men learned to live together peaceably and in order under the jurisdiction of government and laws. The darkest chapters in history are those that recount the suffering of men in periods of anarchy such as overwhelmed Europe after the strong arm of Roman law became weakened. Poor government and poor laws are better than no government and no laws.

Democracy,¹ the Highest Form of Political Organization. — We believe that democracy represents the highest form of political organization. The monarchic and aristocratic forms of government, however, had their places in the world. They maintained a rule of law which promoted the "life, liberty, and pursuit of happiness" of men during trying times and before the masses had acquired the social intelligence and the experience to embark on the adventure of self-government. Government *for* the people did not originate with democracy. Government *of* and government *by* the people are the new principles it introduced.

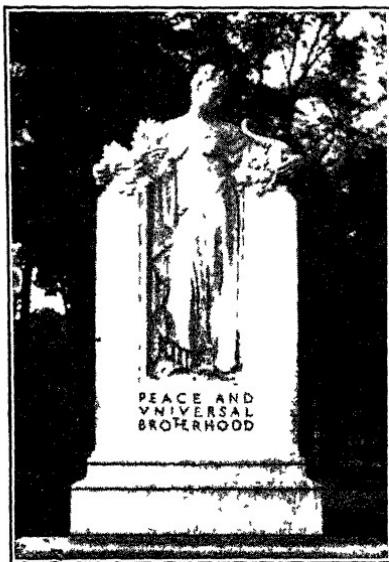
The Advantages of Democracy. — It may be well to examine briefly some of the advantages of democracy.

(1) The people are the best guardians of their own liberty and happiness. In a monarchic or aristocratic government there was always a temptation for those responsible for government to put their own interests above the interests of those they governed. Then, too, it was not always easy for even a conscientious ruling class to know exactly where the best interest

¹ By *democracy* we mean that form of government in which the sovereign power is in the hands of the people collectively, and is expressed by them either directly or indirectly through elected representatives.

of the people lay. They did not suffer from their own acts of misgovernment

In a democracy this is not true. There is an identity of interest between the governed and the governors. An act of misgovernment will be corrected because it reacts unfavorably upon those responsible for altering it



THE ELIHU BURRITT MONUMENT

This beautiful statue stands as a memorial to the founder of the first American society for World Peace

Many of the wars of the past were instigated by dynastic ambitions and jealousies. The people's part was to suffer. The masses who will have the fighting and suffering to endure are less likely to favor a war than the leaders who will not go into the firing lines.

Good Sportsmanship Essential to the Success of Democracy. — If a democracy is to be a success, its citizens must have a sense of good sportsmanship. This means that they should be good losers and generous winners

(2) Democracy improves the individual. The responsibility imposed in a self-governing community stimulates initiative and ambition

A prerequisite of democratic institutions is a high standard of general social intelligence and morality. Democracy has recognized this fact and has fostered such educative agencies as free public schools, free press, and freedom of speech.

(3) Democracy tends toward international peace

Wendell Willkie, after his defeat in the 1941 presidential election, demonstrated a fine sportsmanlike attitude in a broadcast with a patriotic appeal for unity — unity consistent with our two-party system. The following words are from his address:

“It is a fundamental principle of the democratic system that the majority rules, but a vital element in the balanced operation of democracy is a strong, alert, and watchful opposition. Ours must not be an opposition against — it must be an opposition for — an opposition for a strong America, a productive America. For only the productive can be strong and only the strong can be free.”

The Fruits of a Democracy Ripen Slowly, but Their Roots Grow Deep. — True, our democratic government with its checks and balances cannot act as promptly as twenty-four-hour dictatorships, but it has compensating advantages. The fruits of a democracy ripen slowly and are not spectacular, but their roots grow deep and promote contentment and permanency. A dictatorship goes up like a rocket, but comes down like the stick.

What of the Future of Democracy? — In Italy and Germany democracy functioned inefficiently and was replaced by dictatorships which were temporarily more efficient in material things. They were militaristic and imperialistic and involved the world in war, but “they who live by war shall perish by war.”

Political liberty is still preserved in Great Britain and the United States; but our highly mechanized society has forced even these nations to restrict economic liberty. However, free education is expected to preserve and fortify democracy for us.

No government can rise higher than its source. In a monarchy that source is a king or dictator; in an oligarchy, it is a ruling class; in a democracy, it is the people themselves. The future of democracy rests with the people. The issue will be determined by the quality of their citizenship.

Citizenship in a Democracy. — Our citizenship in a democracy carries with it many privileges. It guarantees to us liberty

to live our lives without burdensome, arbitrary restrictions. We may speak our thoughts freely, worship as we please, and hold our property free from fear of confiscation or invasion

The liberty we enjoy, however, is a liberty under law. Like any form of government democracy is dependent upon law and law enforcement for its life. We all pride ourselves on the part we have in the making of the laws under which we live. Are we as ready to accept our responsibility for law enforcement?

There is a difference between obedience to law and respect for law. No government can endure unless there is obedience to law. This must be secured at any cost. Kings and dictators gained it through fear of the consequences of disobedience.

Respect for law is deeper than obedience to law. It implies an attitude of mind which comprehends the full significance of law and the relation of each individual to it. It acknowledges, too, a responsibility to observe the law in good faith whether it is approved or not approved. There is a question whether democracy can be as successful as older forms of government in enforcing obedience to law. It should be far more successful in promoting respect for law and out of this should grow an obedience to law much more effective than any slavish compliance based on fear.

Respect for law must be built up in the American people until it becomes a National virtue. If this can be accomplished, the success of the experiment which the founders of our nation began and the builders have thus far "so nobly advanced" will be assured. Ready compliance with the requirements of the Selective Service Act during the World War was indicative of progress in comparison with the violent opposition to the draft during the Civil War.

There are some signs not so encouraging. Decisions of the courts, especially of the Supreme Court of the United States, are sometimes met with demands, from those who disapprove of their findings, that the courts be abolished or shorn of many

of their powers. A wave of lawlessness swept over the country as far as observance of the Eighteenth Amendment to the Constitution was concerned. No matter what the differences of opinion on prohibition are, the fact remains that the prohibition amendment was written into the Constitution in the regular way by a two-thirds majority vote in Congress and ratification by three fourths of the States. It was law and as long as it was law the duty of an American citizen was to obey it. In a democracy we have freedom of choice in the making of laws, not in the observance of laws after they are made.

Personal Liberty. — In creating the American Union it was found necessary for each State to surrender some of its independence, some of its liberty. If each State had demanded full and complete liberty of action, it is obvious that there could have been no Union. And everybody will surely agree that the security, peace, economy, and freedom of trade in forty-eight States, resulting from Union, amply justify the yielding of a small amount of liberty by each State.

In like manner, the welfare and the prosperity of the community are of sufficient importance for each individual to be willing to surrender somewhat of his liberty, somewhat of his independence, to secure the desired end.

Suffrage and personal liberty are inconsistent in a socialized democracy. If a majority of votes can compel those who are industrious and frugal to contribute to free schools, free libraries, free hospitals, free orphanages, widows' pensions, and old-age pensions for the poor, shouldn't a majority have a right to compel children to attend school, to forbid reckless driving, and to forbid the sale of intoxicating liquors and narcotics which tend to bring on accidents, orphans, incapacity, and poverty?

In the jungle the tiger has no right to impose restrictions on the lion, but in the socialized society where some are compelled to pay taxes for the welfare of all, is it not reasonable to require others to conform to conduct which will contribute to the general welfare?

OLD PERSONAL LIBERTY AND THE PRICE OF	NEW CIVIL LIBERTY
PERMITTED YOU TO remain ignorant. go as fast as you could through mud-holes and rocks. spend a fortune to be elected broadcast unrestricted. issue railroad passes to legislators, newspaper men, etc. monopolize an industry. own a slave or work an orphan 14 hours a day. sell milk from tubercular cows. expose yourself to microbes expose others to microbes. rent microbe-infested rooms. buy habit-forming drugs. keep all you make for "us four and no more" die. In 1900 16 per cent died under 1 year of age	WILL FREE YOU from superstitious fear. from speed maniacs on smooth-paved roads. to run for office without wealth to enjoy radio without interference. to ride without paying another's fare. to buy at competitive prices. from slavery or slave-like conditions. from tuberculosis. from microbe enemies as cruel as Apache Indians. from the coils of pythons. from unemployment and the pangs of want. to live. Now only 4 per cent die under 1 year
Compulsory education Traffic regulations	
Corrupt practices acts Restriction of broadcasting licenses Statutes forbidding or limiting free passes Anti-Trust laws 13th Amendment and labor laws	
Compulsory killing of such cows Compulsory vaccination } Compulsory quarantine } Compulsory fumigation }	
Narcotic prohibitions Higher income inheritance, and luxury taxes Law observance	

Law and Order.—A recent President of the United States made the following clear statement as to the importance of law enforcement and law observance:

"Laws, of course, represent restrictions upon individual liberty, and in these very restrictions make liberty more secure. The individual surrenders something of his privilege to do as he pleases, for the common good, and so organized society is possible. It is successful just about in proportion as laws are wise, as they represent deliberate and intelligent public opinion, and as they are obeyed. Civilization had to travel a long way before it came to be commonly accepted that even an unwise law ought to be enforced in orderly fashion, because such enforcement would insure its repeal or modification, also in orderly fashion, if that were found desirable.

"I do not see how any citizen who cherishes the protection of law in organized society may feel himself secure when he himself is the example of contempt for law. Clearly there is call for awakened conscience and awakened realization of true self-interest on the part of the few who will themselves suffer most when reverence for law is forgotten and passion is expressed in destructive lawlessness. Ours must be a law-abiding republic, and reverence and obedience must spring from the influential and the leaders among men, as well as obedience from the humbler citizen, else the temple will collapse."

Presidents Coolidge and Hoover on Law and Order.—President Coolidge first came into national prominence through his watchword "Law and Order". A fifth of President Hoover's inaugural address was devoted to law and order. He said, "Our whole system of self-government will crumble either if officials elect what laws they will enforce or citizens elect what laws they will support."

In a speech to representatives of the press President Hoover pointed out that the press plays a dominant part in creating the attitude of the individual to the law. "It is almost final in its potency to arouse the interest and consciousness of our people.

It can destroy their finer sensibilities or it can invigorate them. If instead of the glamour of romance and heroism which our American imaginative minds too frequently throw around those who break the law, we would invest with a little romance and heroism those thousands of our officers who are endeavoring

to enforce the law it would itself decrease crime. Praise and respect for those who properly enforce the laws would help."

On another occasion Mr Hoover made this prophetic statement: "Law is the force that holds civilization together"

Crime: Causes and Proposed Remedies. — Edgar Hoover, chief of the "G-men," estimates the cost of crime in the United States at \$15,000,000,000 a year; and 600,000 are annually sent to jail. We have about 12,000 mur-



J EDGAR HOOVER, FAMOUS CHIEF
OF THE G-MEN

ders annually, but England and Wales have less than 300. And the discouraging feature in the United States is the fact that an increasing per cent of crime is by the young — in many cases mere children.

The crime tide has been swelling in the United States since the beginning of this century, and the following causes and proposed remedies deserve careful attention.

Inadequate Religious Training — Ex-President Coolidge said "I can conceive of no adequate remedy for the evils which beset society except through the influence of religion." Let us revive the religious character of the Sabbath, give adequate

support in time and money to religious institutions, including week-day religious schools supported by each sect near the public school; and select public school teachers who will stimulate the young to right conduct.

Breaking Down of the Home — R. W. Child, author and diplomat, discovered that in three correctional institutions investigated, 80 per cent of the boy and girl inmates came from split homes. He said, "Bedrooms of some homes are used, but the sitting-room and library, and sometimes the dining-room too, wouldn't be missed. We used to have a motto: 'God bless our home', now it's 'Let's go!'" Let us reduce the causes of divorces, encourage suburban homes by cheap rapid transportation, and encourage capital to invest in attractive inexpensive homes for sale on easy terms. The Government may have to assist in providing homes for the small income class.

City Slums. — The Wickersham commission found that juvenile crime increases as you approach the business center of a city. Here are old crowded houses occupied by a mixed population which is poor and shifting, and hence cannot support neighborhood institutions. Here ~~is~~ where "gangs" are formed.

In Kips Bay, New York City, the Children's Aid Society reduced juvenile crime one half by a well-conducted boys' club

Literature of Discontent — Mr. Child says, "This literature of discontent depicts enslaved souls who break their bonds of drudgery, jump all moral fences, and land in that proverbial next pasture which always looks greener to the jackass." Let public schools and public libraries taboo this type of novel

Moving Pictures Suggesting Improper Adventure. — Judge G W. Martin of Brooklyn said, "Many of these pictures glorify crime or depict the rotten trail of sensuality. It is sought to justify their exhibition on the explanation that they point a moral. As sensible would it be to drag a child through fire to teach him about heat." Obscene literature is excluded from the-

mails, and improper pictures should be censored and kept from the screens

Antiquated Criminal Laws and Administration — Let us bring about the reforms that have been advocated by the National Crime Commission. (See pages 529-530)



AT BOYS TOWN, NEBRASKA

This ideal community for homeless boys provides so much for them to do that they are healthy both in mind and body. No "gangs" form here.

Economic Necessity — Benjamin Franklin said, "It is difficult for an empty bag to stand upright." Let us encourage an incentive-producing system of profit sharing, workmen's compensation, widows' pensions, etc.

Indiscriminate Sale of Pistols and Cartridges. — An American Bar Association committee reports that 90 per cent of the murders in the United States are committed with pistols. Let us forbid carrying concealed weapons without a license; increase the penalty for crimes committed by persons carrying a weapon;

keep a record of all pistols sold; and impose a penalty for carrying a weapon with the identification mark changed or obliterated.

The Long Ballot. — A recent city ballot contained about 200 names. Criminals have more time to work for the election of friends than have honest working people. Let us have more appointive officials chosen for longer terms and separate elections for local, state, and national officials.



Crime Trusts — In 1914 a committee of the Chicago City Council reported that the greater part of stealing was done by organized thieves, a "Crime Trust" with roots extending through the police force, the Bar, the public prosecutor's office, bondsmen, and political officials. By 1934 organized crime had become nationwide; therefore in that year Congress enacted a number of criminal laws affecting criminals who operate in more than one State. Thus the National Government came to the aid of States in fighting organized crime.

Tempting Opportunities. — Let us keep movables under lock and key and valuables under guard; and always transfer valuables with the greatest secrecy.

Mental Defects or Inferiority. — Insane people, kleptomaniacs, and morons unable to compete under complex urban conditions commit crimes. We should endeavor to remove the

causes of insanity, apply the laws of eugenics, and salvage as many prisoners as possible. The criminologist would have all prisoners brought to a receiving station and assign the feeble-minded to one institution, the insane to another, those with curable disorders to another, those with normal minds to a trade-school institution, and the aged to a farm institution.

Law Enforcement in New York City. — The enforcement of law is often the weakest spot in city administration. Politicians are often inclined to "fix" the law in favor of politically or economically important personages. Sometimes the fixing occurs in the police department, sometimes in the District Attorney's office, and at times even on the bench. The District Attorney is the center of the law-enforcing machinery. He may or may not proceed against an illegal situation. As he is elected by the people he is subject to great political pressure. and "laws can be no better than the men who enforce them."

The Federal G-Men are giving cities considerable assistance in running down public enemies; and New York City has shown what can be done when the Mayor and Governor cooperate.

The Racketeer in New York — As in other cities New York had the typical racket: the creation of an organization to protect an industry against annoyances that the police are supposed to prevent, and to charge enormous fees for this protection against conditions that should not exist in well-policed cities. If one engaged in the racketeered industry refuses to pay the hold-up fee, the organization annoys him to force him in. For instance, if a restaurant operator in New York refused to pay fees, he was disturbed by the explosion of stink-balls in his restaurant at meal times, disturbed in other ways, and his very life was endangered to racketeer thugs. Even the famous ex-prizefighter, Jack Dempsey, had to pay tribute to protect his restaurant from racketeers.

Thomas Dewey Appointed Prosecutor. — In 1935 Governor Lehman appointed Thomas Dewey as special prosecutor to smash New York rackets. The city was honeycombed with vice.

and racketeering, and as racketeers were often in league with politicians, police were discouraged from making arrests and the guilty were even freed by judges. Witnesses hesitated to give evidence for fear of being "put on the spot."

Dewey set up soundproof offices and went to work. A number of young attorneys gave up larger salaries to assist him; and the Governor assigned a fearless judge to hear these racket cases. In 1936 he broke up the huge vice ring and sent its leader, Charles Luciano, to prison. In 1937 he secured the conviction of seven restaurant extortionists. Altogether he indicted 73 racketeers and convicted 72. In November, 1937, he was elected District Attorney of New York County. In 1938 he prosecuted a higher-up politician accused of protecting a gambling racket, and in November, 1942, he was elected governor of New York, when he was only 40 years of age.

Boston's Junior Police Corps. — In 1938 the Boston Junior Police Corps was formed of 3000 "tough kids" and good ones too, including Negroes, Jews, Irish, and Italian lads. The boys were given gym classes, were taken on tours and shown different phases of police work, and were taught something of the laws of the city. But they were told not to be squealers on their pals or in any sense "stool pigeons."

After training the boys were given actual duties such as directing traffic at school crossings. They have a degree of self-government, having their own sergeants, lieutenants, and captains appointed by the adult commander of the junior force. If a boy violates the rules of the corps, a trial board of boys may suspend the accused for a period of time.

At the weekly meetings there are both lectures by experts and recreation along with the adult police.

On Halloween 50,000 boys attended parties in the police stations; and that night there was not a single fatal automobile accident to a child. And the enormous property damage of past years was cut more than 80 per cent.

Self-Government for Students. — There is a general feeling

that if students are ever to become efficient in democracy, they should practice it in dealing with their own affairs while they are in school. Student officers might be chosen through the class organizations or directly by the student body; and there is



THE SPIRIT OF DEMOCRACY

This American-born Chinese student was elected Student Body President by the white students of Lincoln High School, Portland, Oregon

usually a student council. Student-body activities vary greatly, but the following are typical. They welcome new students, publish a student handbook, help to arrange for commencement, run a paper or contribute a column, conduct a book exchange or even a student store, promote proper behavior at assemblies,

eliminate petty thieving and bribing, campaign to make the school more democratic, tutor backward or failing students, raise money for a loan fund, sponsor a debating league, and hold mock political conventions and model sessions of Congress.

We remember most of what we do, less of what we say, still less of what we see, and least of what we hear

QUESTIONS ON THE TEXT

- 1 What are the advantages of democracy?
- 2 Upon what does the future of democracy depend?
- 3 Explain the price we must pay to pass from the old personal liberty to the new civil liberty.
4. What are the causes of crime in the United States? The remedies?
- 5 Explain Boston's Junior Police Corps Student self-government.

PROBLEMS FOR DISCUSSION

1. State your reactions to the following statements regarding crime:

"The reluctance to give information, to give unflinching service as witnesses in criminal trials, and to fulfill service as jurymen has done no end of damage to the effectiveness of our law enforcement"

"Some Americans have a feeling that criminals should not be discovered by secret service methods. Why not? Does one condemn an army officer for using strategy?"

"Sob sisters and sob brothers are brides and bridegrooms of crime, for in lamenting the criminals they are the aides and abettors of crime. I would ask the sentimental sympathizers with willful criminals—especially murderers—to go weep in the cemeteries where the victims lie instead of in jail. But all punishment is relative. No one likes capital punishment any more than he likes a surgical operation, but when, as in Chicago, six policemen die for every murderer hanged, the relativity needs some Einstein to adjust it. In Great Britain, where there is prompt and drastic punishment, crime is deterred, and they do not bury lawbreakers in silver coffins either."

- 2 Would it be just to hold parents responsible for the crimes committed by young people of high school age?

- 3 In the long run do you think that a career of crime ever pays?
- 4 After a clean honest life does one suddenly commit an offense and land in the penitentiary; or does a criminal career really begin when a boy "plays hooky," when he drops out of school, when he rejects the

moral training of a good home and of the church, when he chooses the wrong companions, and when he begins to make a practice of spending more than he can earn?

William James said. "Every smallest stroke of virtue or vice leaves its never so little scar. The drunken Rip Van Winkle, in Jefferson's play, excuses himself for every fresh dereliction by saying, 'I won't count this time!' Well, he may not count it ; but it is being counted none the less Down among his nerve-cells and fibres the molecules are counting it, registering and storing it up to be used against him when the next temptation comes Nothing we ever do is, in strict scientific literalness, wiped out "

5 Explain the following quotation from Abraham Lincoln :

"Let every man remember that to violate the law is to tear up the charter of his own and his children's liberty "

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 and the Foreign Born; 11, Lawlessness, in Law Enforcement;
 12, Cost of Crime; 13, Causes of Crime (2 Vols); 14, Police.

CHAPTER XXXVII

THE GOVERNMENT SERVICE AS A CAREER

Personnel. — In a republic legislators should be elected by the citizens to insure representative government. Judges, higher administrative officers, and higher military officers should be appointed by the chief executive with the approval of a legislative house, because experts cannot be chosen by popular election. The rank and file of employees should be chosen by competitive examinations from educated young people capable of rising to the more important positions with experience

We hear many complaints of the rising costs of government; but it is really not a question of how much we pay, but whether we get our money's worth: and that depends upon whom we employ to run the government.

The average Congressman is not an expert as a legislator, but if we have a staff of well-paid efficient administrators they will prepare legislation and Congress will enact laws prepared by experts. To build up efficient government service it must be made a career. Young people of education and ability should be chosen while they are available. Older people who succeed in private industry are not likely to shift to the government; and those who have not succeeded are not likely to be an asset to the government. Outstanding young people will be attracted to the government service if there is reasonable assurance of permanent tenure, promotion according to merit, and well-paid positions as the reward for success

The Civil Service of the United States. — The Constitution of the United States provides that Congress may by law vest the appointment of such inferior officers as they think proper in the President alone, in the courts of law, or in the heads of

departments. Congress vested the appointment of most inferior officers in the President or in the heads of departments. For half a century following Andrew Jackson's administration the President and heads of departments appointed members of their own political parties, giving little consideration to qualifications, and turning out of office those of the opposing party. This practice was known as the "spoils system."¹

Modern Government Services Complex. — When our nation was in its infancy it was a comparatively simple matter to select the personnel for the various activities of the government. Much of the appointment of civil service was done directly by the President with the advice of members of Congress. But each year more employees were added, until Lincoln, during the Civil War, likened his task as personnel appointer to a landlord so busy showing the office seekers what was to be had in one wing that he didn't have time to put out the raging fire in the other wing of the national structure.

The appointment of supporting party members to political positions became not only a terrible burden on our Presidents, but even became a dangerous thing that culminated in the death of President Garfield, who was shot by a disappointed office seeker. Following this tragedy a Civil Service Commission was established, and now nearly all of the employees of the government, except department heads and key diplomats, are chosen through Civil Service.

Opportunities in Government Service. — There are scarcely any skills or professions that are not needed in some branch or service of the government, ranging from janitors, typists, and mechanics, to the most skilled and highest trained scientists. Doctors, lawyers, merchants, fire chiefs, and practically every other category of modern activity are included on the Government's pay roll.

¹ In 1832 when President Jackson was criticized for removing political opponents from office, William L. Marcy in defending the action of the President said, "To the victors belong the spoils of the enemy."

Courtesy U. S. Navy

THE PENTAGON BUILDING

This building, housing 40,000 war-navy workers, is situated on a 300-acre plot across the Potomac River in Virginia. The five-sided, four-story structure occupies 42 acres and is a mile around. Including approaches, it cost about \$70,000,000. The world is not likely ever to see a larger building.



Before World War II called for a sudden and temporary expansion of personnel there were about a million and a half men and women working for the various agencies of the Federal government, and almost as many, not counting public school teachers, who were engaged in work for city, county, and State governments. The war made it necessary to expand the civilian activities of the War, Navy, and other Defense Agencies by another million and a half. But even in times of peace there is a constant opportunity for capable young men and women to enter the numerous branches of government service in the type of work for which each is best suited. There are more than 1700 different positions for which competitive examinations are given at frequent intervals, and other highly skilled positions are open for classification through educational training and experience.

How to Get a Civil Service Appointment. — When a vacancy occurs in a Civil Service position it may be filled in four ways: (1) by *promotion* of an employee in a lower position who is already in classified civil service, (2) by *transfer* of a person who is employed by the Government in another position; (3) by *reemployment* of a person who has a classified status and was formerly employed by the Government, or (4) by the *entrance appointment* of a person who has qualified for the position in an open competitive examination held by the Commission for the type of work to be performed.

Notices of Examination — A young person who is interested in civil service work can obtain information concerning the many examinations at each first- or second-class post office, or at any one of the thirteen district offices. Frequently notices concerning positions that are to be filled are posted in the post office or other government buildings. If a person is interested in a particular examination, he may have his name put on the mailing file in the district and National offices, and when that examination is next given he will be notified.

Application for Examination. — When an examination is

announced for a type of work in which the young person is interested, he should secure the necessary application blanks from the nearest first- or second-class post office, or from the district office. The applications ordinarily must be in at a set deadline, and all proof of qualifications and other requested records included.

If the applicant is eligible to take the examination, he will be sent an admittance card which entitles him to take the tests which are prepared and given by the Civil Service Commission without charge.

Examinations. — There are more than 1700 different examinations that have been scientifically prepared to test the abilities of the individual for the particular kind of work covered by the test. Some of these tests, such as typing, require that the applicant actually type and be rated for speed and accuracy. Mechanical skills have specialized mechanic tests. In so far as possible the test is built scientifically to be accurate. The grading is also done accurately, and rechecked, and the person is rated by standardized scales — always by number and never by the person's name.

Names on the Register. — The names of the persons who have passed the examination are placed in a file, known as the register, and kept for several years. When there occurs a vacancy which must be filled by a person who meets the qualifications covered by the test, the personnel director of the department having the vacancy sends a requisition to the Civil Service office and asks for the names of three qualified applicants. These names, together with the rating, personal records, and other information, are sent to the personnel director who then selects one of the three for the position. Usually the person with the highest rating on the register is offered the position, but if he does not accept the next name on the list is given an opportunity.

Probationary Appointment — When the person accepts the job with the department or agency, he is given a temporary appointment that becomes permanent after a few months of satisfactory

work. The employee must pass a rigid physical examination and be of good character in order to be eligible for most civil service positions.

Reclassification and Promotion. — From time to time after the individual has received his final appointment to civil service, his duties and work are investigated to see if his responsibilities have increased and if his work has improved sufficiently to warrant a new classification with the accompanying raise. If the work is of a better rating than that which was originally required, then the worker is "reclassified" and the raise is given. If a vacancy occurs for which the worker is qualified, he may be given a direct promotion.

Pensions and Retirement for Government Workers. — Each employee of the Classified Civil Service pays 5 per cent of his salary into a retirement fund. The retirement age varies from 55 to 70, depending upon the work and the location of the job as well as the length of service. If the employee has reached the retirement age and has been in the service for at least fifteen years, he is automatically retired. Congress annually appropriates additional sums to supplement the retirement fund so that each employee who has served his nation long and well can have a moderate pension on which to retire. The amount is determined by the salary he has received and the length of his service. If the employee leaves the service before the retirement age is reached, he receives the amount he has paid to the retirement fund with interest.

Veteran's Preference. — Men who have undergone the hardships of military service for their country have been given a preferential rating through Acts of Congress. Believing that those who have given much to their country and who return to civilian life at times when the economic hardship may be great deserve special consideration, the government gives all veterans of the army, navy, or marines five points additional to their civil service rating. Those who have had a disability because of their military service, or widows of veterans, are given ten points. This

often places them in a higher rank than the top civilians and their names are considered for appointment at an earlier date.

Temporary Appointments. — In normal times temporary jobs in the Federal service may be filled without examinations; or if there is an opening in a field which has no waiting list on the Civil Service Register, someone may be appointed until he or somebody else qualifies by examination.

During World War II, when hundreds of thousands of extra stenographers, filing clerks, etc., were needed, positions were filled through the Civil Service on a temporary basis. These temporary wartime positions are gradually being terminated.

Federal, State, and City Civil Service. — Perhaps 80 per cent of all permanent Federal employees are under the Civil Service merit system. About half of the States provide for employment under the competitive merit system, and other States have civil service laws applying to certain departments; but "temporary" appointments without examinations too often become permanent fixtures. The merit system is accepted, at least in part, by practically all cities with a population in excess of 100,000; and by many smaller cities.



Courtesy U S Civil Service Commission

WORLD WAR II VETERAN APPLYING
FOR FEDERAL EMPLOYMENT AT A CIVIL
SERVICE REGIONAL OFFICE

QUESTIONS ON THE TEXT

1. How should our Government personnel be chosen for different kinds of offices? What is the spoils system?

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2. Why should young people be chosen for the Government service?
3. What types of positions are covered by the Civil Service?
4. How many different kinds of examinations are given through the Civil Service Commission?
5. Where may anyone obtain information concerning Civil Service positions and examinations?
6. How may one obtain a Civil Service appointment?
7. How do Federal employees under Civil Service become eligible for retirement pensions? On what is the amount based?
8. What is meant by veterans' preference?
9. Explain the temporary appointments for Federal positions.

PROBLEMS FOR DISCUSSION

1. In the civil service should promotions be based on length of service, efficiency ratings, or periodic examinations, or the combination of all three?
2. In recent years we have created at least a hundred new Government jobs that pay as much as \$10,000 a year. Give arguments for or against the Government's paying more attractive salaries than formerly.
3. Should examinations for young men or women entering the Government services be based upon the work they will immediately have to do, or on their general education, ability, and character, as is done in England? Would your answer be different if middle-aged persons are admitted to the service?
4. Why do we have pensions for Government employees?
5. Civil employees contribute towards their pensions. Military employees do not. Do you see any reason for the distinction?

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CHAPTER XXXVIII

SOCIAL LEGISLATION

CONSERVATION OF HEALTH

Physical and Mental Deficiencies caused 4,000,000 men to be rejected by selective service tests during World War II

Care of Mental Defectives. — *Insane in hospitals* supported by States numbered only 40,000 in 1880, but the number is now approaching 500,000 All of these hospitals are more or less effectively learning the causes of insanity.

The Feeble-Minded. — Insanity is a disease which is often cured, but feeble-mindedness seems to be a permanent condition which cannot be cured. It exists from birth or from an early age. Persons thus affected are incapable of performing their duties as members of society in the position of life to which they are born. A feeble-minded person whose mental age does not surpass two years is known as an *idiot*; one whose mental age is between three and seven years is called an *imbecile*; and one whose mental age is between seven and twelve is technically known as a *moron*.

The education of imbeciles and morons should be apart from other children. They do not develop initiative, and have weak will power, but can be taught to lead a useful life within an institution. There they can be happiest because engaged in tasks at which they can succeed.

Feeble-minded persons usually have large families, and the increased proportion of feeble-minded persons not only will injure our race but will contribute a large proportion of our criminals, drunkards, and paupers; hence all States should have rigid laws to prevent the marriage of feeble-minded persons.

Declining Birthrate of Mentally Normal Children. — This country needs more children from good healthy intelligent

parents Some religious sects among us are encouraging larger families; Stalin of Russia has increased the birthrate through a patriotic appeal; and Hitler of Germany approached it economically He encouraged marriage among the young who are mentally and physically fit by a \$400 loan for furniture and household equipment The loan was repaid without interest by installments of \$4 a month, but the birth of each child cancelled one fourth of the debt Also in Germany the salary of a government employee was advanced with the birth of a child, and large families were assisted by money from a tax on the unmarried 16 per cent of one's weekly wages if unmarried, 10 per cent if married without children, and on down to 1 per cent for a family of five or more children.

Alcoholic Drinks through the Ages:

The Mosaic Law provided that a glutton and a drunkard should be stoned to death

Solomon said: "Wine is a mocker, strong drink a brawler, and whoever erreth thereby is not wise"

Isaiah told how "even the judges reel with wine, and stagger with strong drink, . . ."

Paul said "Be not deceived . . . drunkards shall not inherit the kingdom of God"

Emperor Vitellius gave a bacchanalian banquet which cost a million dollars but allowed his own mother to die in want because she rebuked him.

Shakespeare said: "Oh God, that men should put an enemy in their mouths to steal away their brains!"

The colonial *Virginia House of Burgesses* enacted a law providing that "ministers shall not give themselves to excess in drinking"

Robert Ingersoll, the agnostic, said "Intemperance cuts down youth in its vigor, manhood in its strength, and age in its weakness. . ."

Abraham Lincoln said "Liquor might have defenders, but no defense Whether or not the world would be vastly bene-

fited by a total and final banishment from it of all intoxicating drinks, seems to me not an open question."

Dr. Charles Mayo, noted physician and surgeon, said : " You can get along with a wooden leg, but you can't get along with a wooden head. The physical value of a man is not so much. Man as analyzed in our laboratories is worth about ninety-eight cents Seven bars of soap, lime enough to whitewash a chicken coop, phosphorus enough to cover the heads of a thousand matches, is not very much, you see. It is the brain that counts, but in order that your brain may be kept clear you must keep your body fit and well. That cannot be done if one drinks liquor."

Dr. Thomas Gonzales, Chief Medical Examiner, reported to the Mayor of New York in 1938 that during the two preceding years 38 per cent of pedestrians killed in highway accidents showed "traces or more" of alcohol.

Liquor Laws. — Since the repeal of nation-wide prohibition the sale of liquor has been regulated by the States. The 21st Amendment to the U S. Constitution provides that "the transportation or importation into any State, Territory, or possession of the United States for delivery or use therein of intoxicating liquors, in violation of the laws thereof, is hereby prohibited." The United States Government has done very little to enforce this provision , but the provision does make it legal for prohibition States to exclude liquor coming from other States, which



NO REFUGE IN THAT QUARTER!

they could not do without a constitutional provision or an Act of Congress.

In the United States liquor is legally sold in nearly half a million licensed places, and twice as much is expended for alcoholic drinks as for education. In some States saloons are wide-open for the sale of intoxicants to men and women. In some States liquor may be legally sold only at government dispensaries in the original package; and in others hard liquor may be sold only in government dispensaries while light wines and beer may be sold at eating places, candy stores, filling stations, and other places, where licensed. Other States permit cities, counties, or other localities to vote themselves dry ("local option"). Still other States have statewide prohibition, and some have prohibition against the sale of hard liquor but not of light wines and beer.

Conservation of Health. — When people believed that disease was a "humor" in the blood, they waited until the malady appeared and cured it with medicines — or at least tried to cure it. But now that we know most of our prevalent diseases to be caused by bacilli (germs), we know it is possible to prevent them if the bacilli are kept from our systems.

For instance, if the parasites causing the hookworm disease had been understood in the United States before Doctor Stiles of the United States Public Health Service identified them in 1902, and not allowed to spread, the millions of victims of the disease would have escaped. Fortunately this disease can now be easily prevented or cured, and State and county health boards are cooperating with public schools to eradicate it. Again, if we have the water and milk supply free from typhoid bacilli, and screen against the flies which carry these germs, we are not likely to contract typhoid fever. But individuals living in cities, especially, cannot know whether the water and milk supplies are pure or whether the hotels are sanitary. The State and cities must have officers to inspect the milk supply, water supply, food supplies, hotels, and restaurants. Whereas in the

past it has been the duty of the family physician to *cure* diseases, in the future it should be the duty of the public medical official to *prevent* diseases by proper sanitary precautions

States and cities should maintain laboratories for the examination of water, milk, and other foods; should have an annual



Ewing Galloway

TESTING NEW YORK CITY'S WATER SUPPLY

These tests are made every day to make sure that the water for New York's millions is absolutely pure

examination of school children and even of adults; should regulate vaccination; should inspect meat shops, soda fountains, hotels, tenements, factories, and the premises of residences; should disinfect places where contagious diseases have existed; should establish and maintain pest-houses, sanatoriums for consumptives, and recreation grounds for all persons

Citizens were at one time slow to realize that it is cheaper to pay taxes for the prevention of disease than to pay doctors' bills and hospital bills for their cure. A few people can buy milk from the high price dairymen, buy spring water, screen premises, and go to great expense to protect themselves; but most people

cannot afford such protection, and therefore contract diseases, menacing the health of all.

Sanitation to be of any great value must be practiced throughout the city. When Mr. Preston was Mayor of Baltimore he waged a war on the mosquito. Inspectors were employed to go from house to house to locate places where mosquitoes might breed. Behold, in the Mayor's own yard was found a jar containing water in which mosquitoes could multiply. He paid his fine cheerfully, but the incident goes to show that the sanitation of a city, or State, cannot be left to individuals. It is too natural for one to be negligent — to be absorbed in his own pressing duties. We need specialists, whose duty it is to promote sanitation by concentrating on the annihilation of mosquitoes.

In 1938 the United States Public Health Service discovered that on any winter day there are 6,000,000 people in the United States who are kept away from school or work by illness. It also found that there is almost twice as much illness among families with less than \$1000 a year income as among families with more than \$3000 income. To improve health conditions among the poor there must be more income, doctors paid by the government, or health insurance in some form that the poor can afford.

PUBLIC HOUSING

Why Low-Rent Housing Is a Government Problem. — When mechanical inventions and immigration flooded our cities with laborers from the farm or from European cities, investors built solid blocks of houses to rent to them. Profit was the prime consideration. Open-air spaces, sanitary plumbing, and conveniences were neglected. Now these slum dwellings breed disease, immorality, and crime. How slums encourage crime is well illustrated by the following extract from a pamphlet called "Crime," published by the University of Chicago Press.

Slum conditions of themselves might not create grumbling and dissatisfaction if the slum families had no means of knowing how differently

other people lived. But only a few blocks away from the miserable tenements, shop windows blaze with their tempting displays of jewelry, furs, and expensive clothes. Only a few blocks away are the homes of the rich, who can afford all the good things of life. All this contrasts sharply with the grime and sweat and filth of the cheap, dingy rooms of the poor and with their strenuous efforts to keep body and soul together. . . . We shouldn't be surprised at the number of youngsters in the slums who become lawbreakers. The marvel is that slums don't produce many more criminals.

Capitalists cannot afford to build modern dwellings for the rent that low-income groups can pay; and unless the government assists in providing low-rent homes their lot may grow worse rather than better.

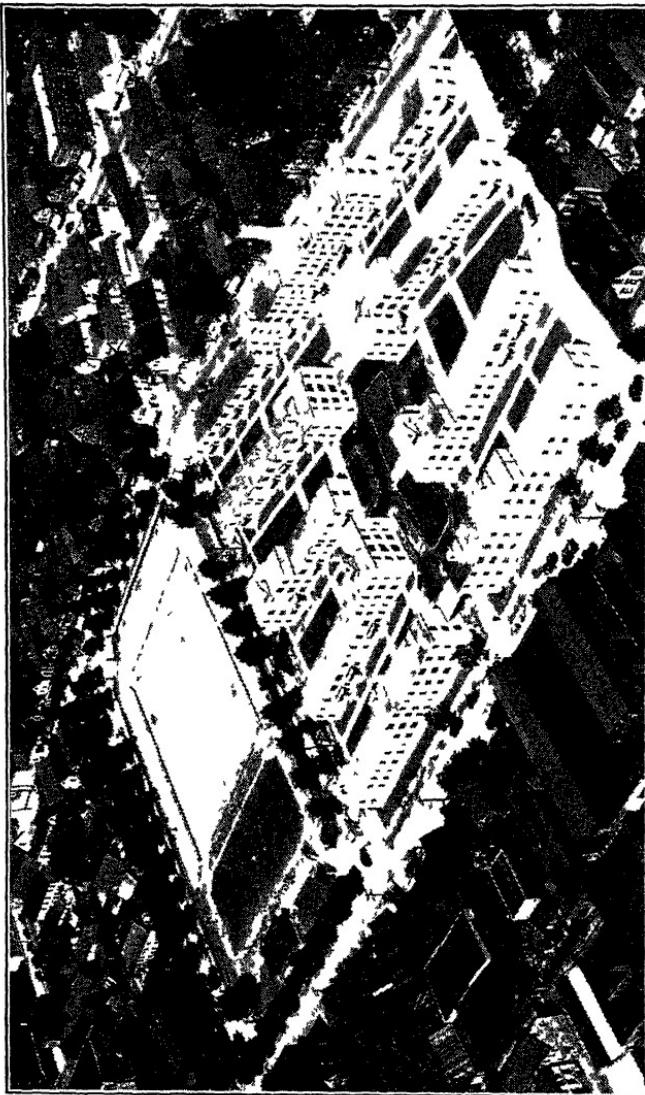
What European Countries Have Found Necessary. — "It is very embarrassing to receive distinguished visitors from European countries and have to point to the skyscrapers to keep them from looking at the slums," said La Guardia when mayor of New York City. For this reason, New York's mayor worked hard and effectively to abolish as many as possible of his city's unsightly areas. Europeans have been more successful in getting rid of slums. The author once asked a taxi driver to show him the worst slums in Berlin, and what he showed were apartments very much of the type we are now endeavoring to build. From 1918 to 1934 about 2,500,000 dwellings were built in Germany with State aid; 1,200,000 in Great Britain; 429,000 in France, 300,000 in Holland, and only 31,000 in the United States.



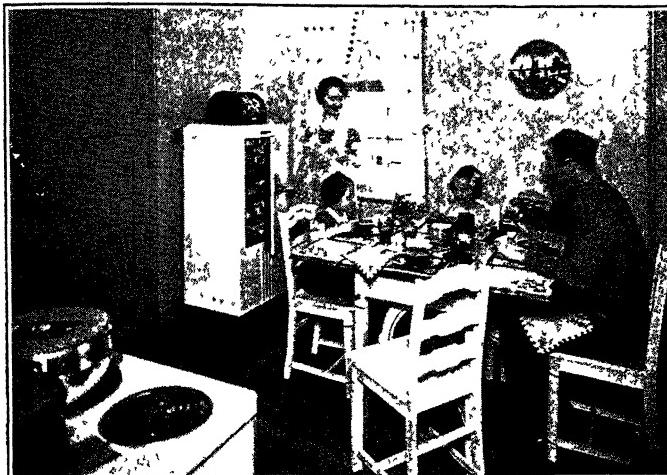
New Orleans Times-Picayune

THIS COSTS THE NATION MORE THAN THE CURE

Courtesy United States Housing Authority
THE UNITED STATES HOUSING AUTHORITY AIDED THIS LOW-RENT SLUM PROJECT IN BUFFALO



Federal Gift of 45 Per Cent of the Cost to Relieve Unemployment. — Between 1933 and 1937-1939, when the Housing Division of P W A was absorbed by the U. S. Housing Authority, this Housing Division built 51 housing projects in 36 cities to provide for about 25,000 families. The first to be completed



INTERIOR OF A LOW-RENT HOUSING UNIT

was the Techwood Project in Atlanta, Georgia. Only one fifth of the area was built upon, and every room gets sunlight. Every dwelling has a bathroom with hot and cold running water. Every dwelling has an electric stove and an electric refrigerator. The electricity, like the fuel for heating, is purchased for all of the 604 dwellings and therefore is obtained at a rate that makes possible electric stoves.

As the Government contributed 45 per cent of the cost as a means of stimulating employment and general business, and lent the remainder at a low rate of interest to be repaid over a 60-year period, the rents were low. They varied from \$16.40 per month for a three-room apartment to \$31.30 per month for the best six-room apartment. For a three-room apartment it

was estimated that the heat, water, light, and electricity for cooking and refrigeration would run about \$6 additional per month¹. Some projects provide additional services, such as laundries and nursery schools at low rates.

GREENBELT AND OTHER RESETTLEMENT PROJECTS

Resettlement Projects. — During the depression the Government purchased poor lands unsuited for cultivation; and to provide for the families that had lived on these submarginal lands, as well as farmers from the Dust Bowl and other worthy but needy families, the Resettlement Administration inaugurated 84 resettlement projects. It purchased good land, built farm buildings, and sold the small but well-located farms on the installment plan over a long period of years, with a low rate of interest. The Federal Public Housing Authority is now administering these projects, but is not building additional ones.

Greenbelt Housing Projects. — Three suburban projects built by the Resettlement Administration are pretentious model towns, and are known as "Greenbelt Projects" because they are protected by green forests instead of tapering off into "hot dog" stands and auto dumps, as most towns do. One of these, called Greenbelt, is near the city of Washington; another, called Greenhills, is near Cincinnati, and the third, called Greendale, is near Milwaukee. As typical of the three we shall describe Greenbelt, Maryland, as it was the first of the three completed.

Greenbelt, twelve miles from the center of Washington, was completed and occupied in 1937-1938.

Size. — On the 4200 acres 898 dwelling units (in groups of four or five to a block) were built, but there are facilities and land for 2000 more.

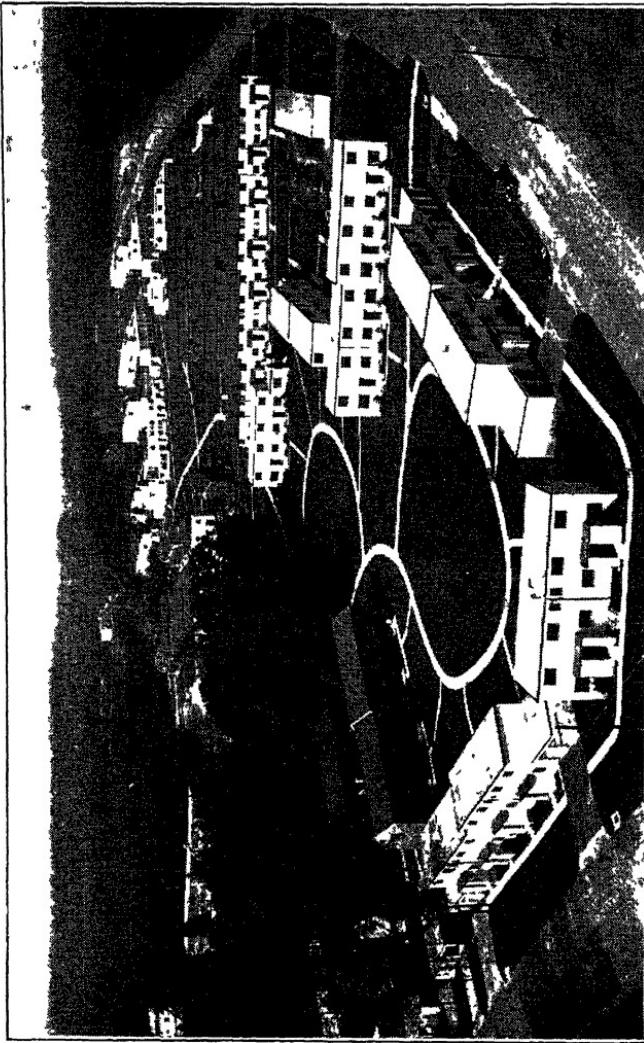
¹ The property of the United States cannot be taxed by local governments, but in 1936 Congress authorized a voluntary payment instead of taxes. In most projects this has been less than taxes levied on the property prior to its acquisition and improvement by the Government.

The Plan is in the form of a great horseshoe, in the center of which is the village green, a large athletic field, a beautiful lake, schools and community hall, post office, community stores, community theater, and spaces assigned for two churches. The town is like a park. The houses do not face the main thoroughfares. Children have lawns on which to play, and there are six underpasses beneath the thoroughfares leading to the community center. Around the town is woodland interspersed with gardens which are free to residents desiring them.

Government — The town has the first manager form of government in Maryland. The manager collects the rents, preserves order, and maintains esprit de corps. The Government pays a lump sum to Maryland instead of taxes and Maryland provides school teachers

Business Cooperative — Consumer Services, Inc., operates the stores and services of the town. Shares of stock sell for \$10, and the businesses are operated through directors elected by the stockholders, each stockholder having one vote. After the expenses of the cooperative are paid the stockholders receive not exceeding 4 per cent dividends and the rest is distributed among the families that patronize the businesses in proportion to the amount each purchases

The Cost was about \$15,000,000. Original rents were \$18 a month for a two-room apartment and \$41 for six rooms. Each block has a heating unit, and each dwelling has an electric stove and refrigerator. The buildings are substantial and are good for 60 years. If the Government cancels 45 per cent of the cost as it did with the P. W. A. projects and figures the interest on the rest at 3 per cent, the project can pay for itself. There should never be any trouble renting the dwellings at the low rentals charged. Taxpayers may have the 45 per cent to pay; but the town can be enlarged at less cost per dwelling than that of the buildings so far constructed; and many who worked on the project would have had to be on the dole if this work had not been provided



A GENERAL VIEW OF GREENBELT, MARYLAND

The model town of Greenbelt was built as an experiment by the Government during the depression to provide labor for the unemployed and to furnish homes for persons of limited income.

UNITED STATES HOUSING AUTHORITY

Purpose. — In 1937 Congress created the United States Housing Authority to help localities get rid of their slums and to provide decent homes for low-income families

Local Housing Authorities Take Over Federal Projects. — The Federal Government stopped building residences, and the U S Housing Authority leased P. W A housing division projects to local housing authorities that had already been created by cities. The U. S Housing Authority merely encouraged the building of slum-clearance projects by local housing authorities.

Loans to Local Authorities. — The U. S. Housing Authority was authorized to borrow specified amounts at not exceeding 4 per cent interest guaranteed by the Government, and to lend the money to local housing authorities at not less than the going rate of interest paid by the Government. To this had to be added $\frac{1}{2}$ of 1 per cent, and the loan had to have the approval of the President. Loans were made for not longer than sixty years, and for not exceeding 90 per cent of the project. To show good faith, the local authority had to raise the remaining 10 per cent by the sale of bonds to the city, or other local lenders; or by furnishing an equivalent amount in land, cash, or other services.

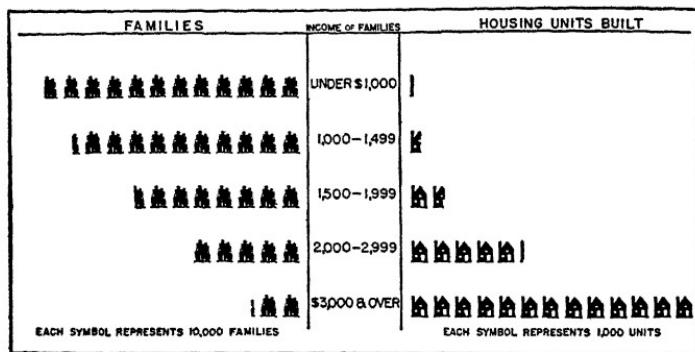
Federal Contribution. — To insure rents that low-income families can afford to pay, the United States granted subsidies not exceeding the going Federal interest rate plus 1 per cent of the cost of the project, for a period not exceeding sixty years. For instance, if the United States is paying 3 per cent interest the contribution may be as much as 4 per cent of the cost of the project, that is, \$40,000 on a \$1,000,000 project, paid annually

City Contribution. — To receive the above Federal contribution the local government had to contribute annually 20 per cent of the annual Federal contribution, or \$8000 on the project described above. But this local contribution could be in the form of tax exemptions over a period of years.

Restrictions.—To receive Federal aid the apartments or residences could not cost more than \$1000 a room except in cities of 500,000 population, where the cost could be \$1250 (excluding land, demolition, and non-dwelling facilities).

Not more than 10 per cent of the loan or contribution could go to any one State.

Elimination of Unfit Dwellings. — At least one slum dwelling had to be torn down, effectively closed, or improved for every new dwelling constructed. Instead of replacing slums by new apartments the city could build on unused land or in the suburbs and require an equal number of slum homes to be reconditioned to the satisfaction of the U. S. Housing Authority.



THE BUILDING MARKET: DETROIT, MICHIGAN, 1929-1935

Low Rents. — As a result of the above contributions the rents were low — ranging from about \$8 to \$22 a month per dwelling. A family could not rent one of these units if its monthly income exceeded five times the monthly rent.¹

Loss of Taxes. — In brief, the city got a U. S. H. A. project by exempting it from taxes, but as the slums replaced did not pay much in taxes the loss is not great

By replacing slums with sanitary dwellings the city probably

¹ Six times the monthly rent if there were three or more children.

saves more than the taxes lost in reducing fire hazards, improving the health level, and by decreasing juvenile delinquency and every kind of crime cost. In Detroit, a 50-block area, chosen for clearance and rehousing, showed a tuberculosis rate six and one-half times the city average, a juvenile delinquency rate more than ten times the city average, and a crime rate seven and one-half times the city average.

Wartime Housing. — For "the duration" slum clearance projects were suspended, and where feasible the low-rent projects were used for war workers. In 1942 the Federal Public Housing Authority was created to construct houses for war workers. It now administers projects built by the U S Housing Authority, the "Greenbelt" projects, etc., and transfers surplus war housing to States, cities, and schools, for veterans' use.

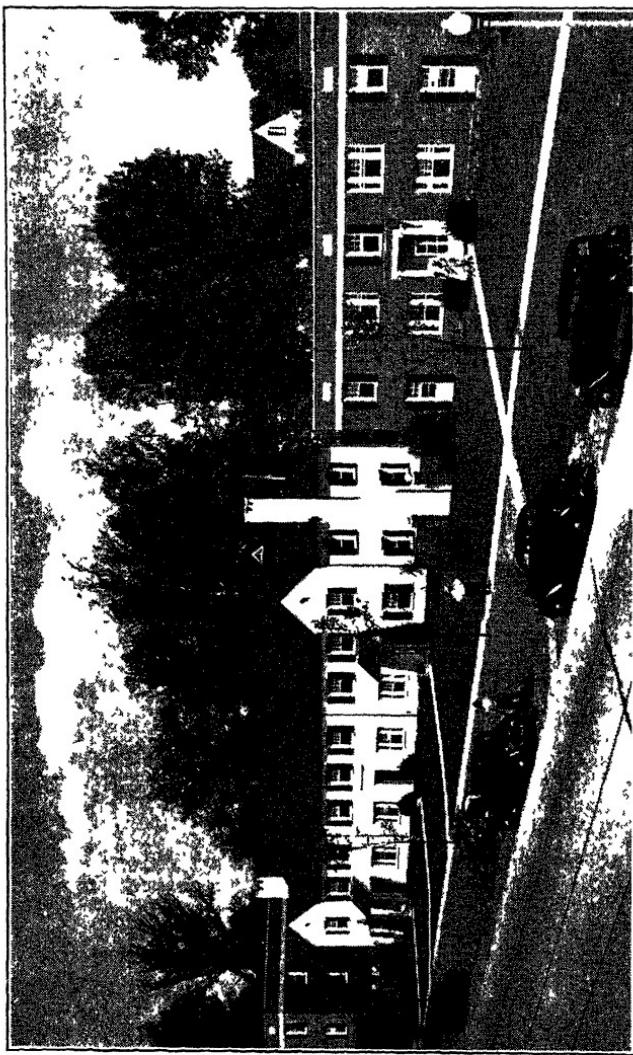
FEDERAL HOUSING ADMINISTRATION

A **Federal Housing Administrator** is appointed by the President with the consent of the Senate. His duty is to encourage and supervise the lending of private capital by approved lending institutions, such as banks, for the building or repair or remodeling of houses, or for the refinancing of existing loans on homes. He does this by insuring the banks against loss.

Loans by Approved Lending Institutions. — Let us illustrate how your home-town bank will lend money for building a new home at a low interest rate because the loan is insured through the Federal Housing Administration. Any person of good reputation and sufficient income to justify the building of let us say a house of \$5000 value, including lot, can borrow from his local bank 90% of the cost and pay it back in installments over a period as long as 25 years. The maximum interest rate is $4\frac{1}{2}$ per cent plus $\frac{1}{2}$ per cent for insuring that the loan will be paid¹.

The location and plans of the house must be approved and the construction inspected from time to time, and a mortgage must

¹ There are some service fees paid only once — when the loan is obtained.



FALKLAND PROPERTIES, SILVER SPRING, MARYLAND

With a loan guaranteed through the Federal Housing Administration, 484 family houses and apartments were built. The average rental is \$14.50 per room. This includes heat, water, and lights,

be given on the house for the amount of the loan to be granted

The F H A also insures $4\frac{1}{2}$ per cent loans for refinancing existing homes up to 80 per cent of their value. These loans are repaid in monthly installments over a period not exceeding 20 years.¹

THE ORGANIZED LABOR MOVEMENT

Two Outstanding Labor Unions. — *The American Federation of Labor* was formed in 1881 by the affiliation of unions of skilled workmen of the various crafts or trades, so the A. F. of L. has been known as the parent organization of trade unions. William Green is now its president

The Congress of Industrial Organizations broke away from the A. F. of L. in 1935 under the leadership of John L. Lewis. It is an industrial union of all the workers (skilled and unskilled) in a particular branch of industry, such as mining or the steel industry. (In November, 1940, Philip Murray succeeded Lewis as President.)

The combined membership of these two unions is now more than 12,000,000 — about equally divided.

Aims. — A labor unionist would state his aims about like this: "Labor is entitled to reasonable pay, a reasonable work day, and human conditions of labor."²

Collective Bargaining. — The means employed by labor to attain its aims is called "collective bargaining" whereby representatives of union labor arrange with the employer terms and conditions of work to be performed. The need for such an arrangement springs from the corporate form of modern industry. Instead of a few laborers bargaining directly with a few employers whom they know, we now have thousands of employees

¹ The F H A. insures low-interest loans from insurance companies, etc., for 80 per cent of the value of large projects like that shown on page 675

² Employers often accuse laborers of demanding unreasonable pay, hours, or conditions, and the unorganized purchasing public sometimes thinks that it is squeezed between the upper and nether millstones of monopolistic capital and organized labor.

bargaining with one employer, the corporation manager, whom they do not know and who represents thousands of investors owning stock in the corporation

Industrial Revolution Cause of Union Evolution.—Let us now inquire into the reasons for two large labor organizations whereas only one existed before 1935. The American Federation of Labor is organized as a craft union in which each craft of skilled employees, or group of allied crafts, makes a separate bargain with the employer, and has certain items of work assigned to it to perform, called its jurisdiction

Change in technique and in materials, due to modern invention, causes these jurisdictions to overlap continually, which results in much internal friction among crafts, and annoyance to employers. For instance, during the depression there were unemployed in practically all crafts and each wanted all the work that it could get, so while the plumber and the steam-fitters, let us say, were deciding which should make repairs on a steamship the ship was unable to sail¹

The Congress of Industrial Organizations is an industrial union of all workers in a particular branch of industry. As the development of mass production, with its conveyor belts and machine methods, largely supplanted the individual skill on which craft unionism was formed, there were millions of workers without a very definite craft or trade. The C. I. O. promises special protection to such groups. The C. I. O. claims a reduction in jurisdictional disputes, increased bargaining power, fuller cooperation of employees, and equal protection for unskilled laborers.

On the other hand, the A. F. of L. feels that the C. I. O. movement created a rift in the ranks of labor with ill-feeling and conflict; that with the inclusion of unskilled labor a larger proportion of radicals were inducted into organized labor; and that an organization that gives an equal vote to unskilled labor will tend to

¹ The A. F. of L. is gradually eliminating the worst of these jurisdictional annoyances

secure the same pay for unskilled labor as for those workers who have spent more time and money making themselves efficient craftsmen.

Need of Increased Annual Income Rather Than Hourly Income.—Capitalists naturally restrict the output of a commodity to increase the unit price. Organized laborers naturally restrict the supply of labor to increase the hourly wages. When capital and labor come together on such a program through collective bargaining, the output is small and the unit price is high, therefore the general public who are not in on this deal are unable to buy a large quantity of the output. As a result, the organized laborer has work only part of the year, and invested capital is employed only part of the year. If capital would accustom itself to smaller profits and organized labor would accustom itself to working all the year for what it now receives for the hours it works, the output would be increased and the prices lowered. Then in normal peace times both capitalists and laborers could buy and enjoy more products.

This principle is illustrated by the farmer who is accustomed to selling two chickens and with the proceeds buying two shirts. He decides to raise only half as many chickens and finds that he can get as much money for one chicken as he formerly got for two, and he is very happy. But when he goes to buy shirts he finds that the shirtmakers have likewise produced only half as many shirts and thereby doubled the price, so he goes home with only one shirt instead of two, and the shirtmaker goes home with one chicken instead of two. If labor becomes united and employs a wise leader, and if large manufacturing corporations do the same, maybe some day, by collective bargaining, they will mutually discontinue the practice illustrated by the story of the chickens and the shirts.

NATIONAL LABOR RELATIONS BOARD

Organization and Purpose.—In 1935 Congress passed an act creating a National Labor Relations Board. It consists of three

members appointed by the President and Senate for a term of five years.

The Act affirms the right of employees to full freedom in self-organization and in the designation of representatives of their own choosing for the purpose of collective bargaining; and it authorizes the Board to conduct secret ballots for the determination of employee representatives.

Powers of the Board. — Its principal powers are: (1) To prevent any of the following specified unfair labor practices when they affect interstate or foreign commerce: interference by employers with employees' rights of self-organization and collective bargaining; employer domination of a company union, discharge of an employee, or discrimination against him, because of his union activity or because he has filed charges or has given testimony under the Act, and refusal by the employer to bargain collectively with the proper representatives of the employees.

(2) To decide whether the unit appropriate for the purpose of collective bargaining is the industrial union (*e.g.*, C. I. O.), craft union (*e.g.*, A. F. of L.), plant unit, or subdivision thereof.

(3) To certify the names of employee representatives designated; or to ascertain the names by secret ballot

The Act stipulates that nothing in the Act shall be "construed so as to interfere with or impede or diminish in any way the right to strike"¹

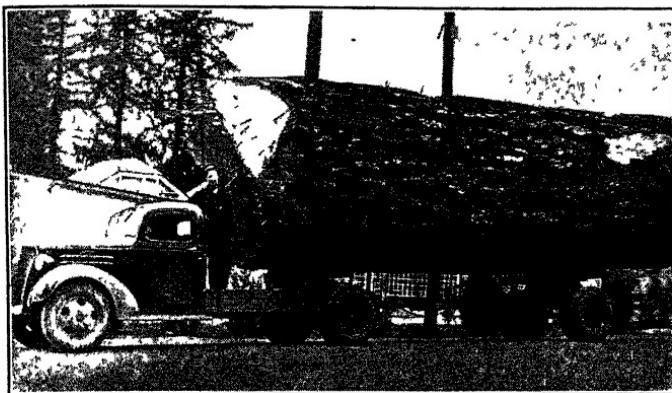
Act Held Constitutional. — The regulation of labor conditions is primarily a State function. But Congress considered that the above Act came within the Federal power through the right of the Federal Government to regulate interstate and foreign commerce. In 1937 the Supreme Court declared the Act

¹ Many employers bitterly opposed this Act. It was enacted when unemployment, the sit-down strike, and jurisdictional fights between the C. I. O. and the A. F. of L. vexed industry. Employers like Henry Ford considered that the Act gave undue protection to labor as against the employer, and employers also accused the original N. L. R. B. as being partial to labor.

constitutional in five cases; and it forbade a bus line, the Associated Press, a steel plant, a trailer factory, and a clothing factory to dismiss employees because of union activities All of these cases were declared to affect interstate commerce.

FAIR LABOR STANDARDS ACT OF 1938

Purpose. — This Act places a floor under wages and a ceiling over hours of work: that is, it provides minimum wages and maximum hours for employees engaged in interstate commerce



A TRUCK DRIVER NEEDS TO BE WIDE AWAKE AND SO SHOULD NOT WORK EXCESSIVELY LONG HOURS

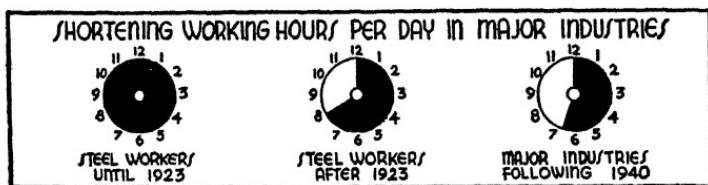
or in the production of goods for interstate commerce The Act also provides for the regulation of child labor in such industries

Administration. — An Administrator of the Wage and Hour Division of the Department of Labor is appointed for an indefinite term by the President with the consent of the Senate The Administrator, in turn, appoints an "industry committee" for each industry engaged in interstate commerce or in the production of goods for such commerce. Each industry committee must include representatives of labor, of employers, and of the public.

Wages. — Until 1945 wages in these industries had to be not less than 30 cents an hour; and thereafter, not less than 40 cents an hour.

Hours.¹ — A workweek in these industries is limited to 40 hours. (The President ordered a 48-hour week during the war.)

Child Labor. — "Oppressive child labor" is forbidden in the production of goods to move in interstate commerce. Oppressive child labor means the employment of any child under 16 years, or under 18 years in hazardous occupations.²



Differential. — Local economic conditions and differences in freight rates must be taken into account, and exceptions to the above wages and hours may be allowed. An example is where living costs are low.³

¹ Extra hours are permissible if one and one-half times the regular rate of wages is paid. There is also an exception in favor of handling perishable goods, as for example in canneries. Likewise collective bargaining agreements certified by the National Labor Relations Board are exempted. Also persons physically or mentally incapable of doing a normal amount of work are permitted to receive less than the minimum wage prescribed. The Act does not apply to employees whose conditions of work and wages are already regulated by the Interstate Commerce Commission or a similar authority. War industries usually pay time and a half for extra hours.

² This labor restriction does not apply to children in agriculture while not legally required to attend school, or to any child employed as an actor.

³ Many economists find fault with this Act as they do with price regulation of coal, or cotton, or anything else. They fear a reduction in production and higher prices which will make it more difficult to sell exports. The law has also interfered with such low-paid industries as needle-work in Puerto Rico, but machine products can take their place.

Labor generally favors the law as a means of distributing such employment as there is, and as a prevention of sweatshop labor.

QUESTIONS ON THE TEXT

1. Should States allow feeble-minded persons to marry?
2. How are larger families of good healthy intelligent children encouraged in Russia? Germany? The United States?
3. Give a quotation regarding the effects of alcoholic drinks
4. How is the sale or prohibition of liquor regulated in the States?
5. Which are of more importance to a community — public health officers or physicians in private practice?
6. How may health be improved among the poor?
7. Why do governments assist in building houses for the poor?
8. How did the P W A. finance housing problems?
9. Describe Greenbelt as to plan, government, cooperative, and cost
10. Explain building through the United States Housing Authority: (a) purpose, (b) Federal loans, (c) Federal contribution, (d) city contribution, (e) restrictions, (f) elimination of unfit dwellings, (g) low rents, (h) loss of taxes, (z) benefits.
11. Explain how the Federal Housing Administration makes more private capital available for the building of private homes and apartment projects
12. Differentiate the American Federation of Labor and the Congress of Industrial Organizations
13. How would a labor unionist briefly state his aims?
14. Explain "collective bargaining"
15. Explain the Fair Labor Standards Act

PROBLEMS FOR DISCUSSION

1. Doctor Carl Kelsey has grouped the causes of poverty into three main classes:
 - (1) *Environmental*.
 - a. Adverse physical environment. polar regions, tropics, deserts, swamps
 - b. Disasters. flood, earthquake, fire, famine
 - (2) *Personal*.
 - a. Physical defects: feeble-mindedness, insanity, blindness.
 - b. Moral defects dishonesty, laziness, shiftlessness, etc
 - c. Intemperance
 - d. Licentiousness.
 - e. Sickness
 - f. Accident.

(3) *Social:*

- a. Industrial changes affecting the worker: changes of location of trade, inventions, strikes
- b. Exploitation
- c. Race prejudice
- d. Sickness, death, desertion, crime of natural supporter
- e. Defective sanitation
- f. Defective educational system
- g. Bad social environment
- h. War
- i. Unwise philanthropy

What are the chief causes of poverty in your immediate neighborhood? Which of these various causes enumerated are secondary to some primary trait of character or habit; for instance, lack of foresight and frugality? Drunkenness? Lack of religious or moral training?

2 How many of the conditions mentioned below have you observed?

"Intemperance cuts down youth in its vigor, manhood in its strength, and age in its weakness. It breaks the father's heart, bereaves the doting mother, extinguishes natural affections, erases conjugal love, blots out filial attachments, blights parental hope, and brings down mourning age in sorrow to the grave. It produces weakness, not strength; sickness, not health; death, not life. It makes wives widows, children orphans, fathers fiends, and all of them paupers and beggars. It feeds rheumatism, nurses gout, welcomes epidemics, invites cholera, imports pestilence, and embraces consumption. It covers the land with idleness, misery, and crime. It fills your jails, supplies your almshouses, and demands your asylums. It engenders controversies, fosters quarrels, and cherishes riots. It crowds your penitentiaries, and furnishes victims to your scaffolds. It is the life-blood of the gambler, the element of the burglar, the prop of the highwayman, and the support of the midnight incendiary. It countenances the harlot, respects the thief, esteems the blasphemer. It violates obligations, reverences frauds, and honors infamy. It defames benevolence, hates love, scorns virtue, and slanders innocence. It incites the father to butcher his helpless offspring, and helps the husband to massacre his wife, and the child to grind the parricidal axe. It burns up men, consumes women, detests life, curses God, and despises heaven. It suborns witnesses, nurses perjury, defiles the jury-box, and stains the judicial ermine. It degrades the citizen, debases the legislator, dishonors the statesman, and disarms the patriot. It brings shame, not honor;

terror, not safety; despair, not hope; misery, not happiness. And with the malevolence of a fiend, it calmly surveys its frightful desolation, and unsatisfied with its havoc, it poisons felicity, kills peace, ruins morals, blights confidence, slays reputation, and wipes out national honors" — Robert Ingersoll

3. There is an old proverb to the effect that a democracy will eat itself up: that the improvident majority will confiscate the wealth of the provident minority by taxation and consume the wealth. Is this as likely in this day of surpluses as in past ages when there was a scarcity?

4. Do you agree with the following statement? "Property is the fruit of labor, property is desirable, is a positive good in the world. That some should be rich shows that others may become rich, and hence is just encouragement to industry and enterprise. Let not him who is houseless pull down the house of another, but let him work diligently and build one for himself, thus by example assuring that his own shall be safe from violence when built" — Abraham Lincoln.

5. Profit-Sharing is an incentive for loyalty and a greater output by the employees. Can you give an example where it is now being practiced? Should investors taking the risk of a new industry be entitled to more than the average rate of interest? If a company loses money one year, should it make that up before sharing profits in subsequent years?

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CHAPTER XXXIX

PROGRESSIVE PLANNING

Planning or Chaos. — “Now that the war is done, the drive for tanks must be a drive for houses. The drive for food to prevent the enemy from starving us must become a drive for



Courtesy International Harvester Co

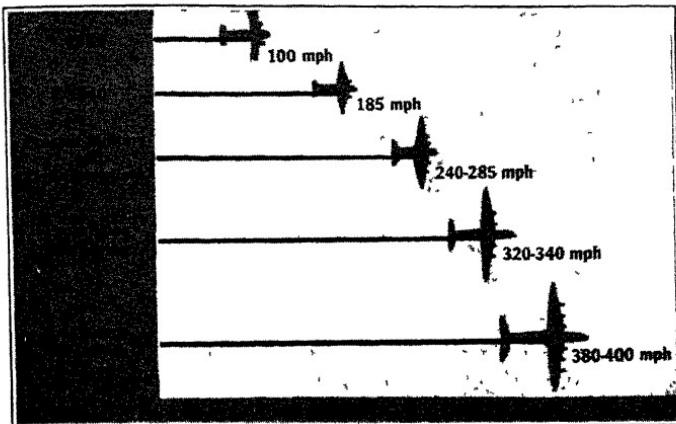
COTTON PICKER

One machine can do the work of sixty men. What plans have we for the other fifty-nine?

food to satisfy the needs of all people.¹ The drive for physical fitness in the forces must become a drive for bringing death and sickness rates in the whole population down to the lowest possible level. The drive for man-power in war must become a drive for employment to make freedom from want a living reality ”¹

¹ John G. Winant, Ambassador to Great Britain

We have the best technical equipment, the most trained and efficient workers, and natural resources enough to raise our standard of living higher than ever before in our history. Our great resource is men-at-work, a resource that is lost when men are idle. We cannot afford to waste our resources of men and material. The idleness of the decade of the thirties was responsible for the loss of \$200,000,000,000 of income. Continued production is needed for prosperity



FASTER AND FASTER PLANES

The development of faster planes creates work for laboratory technicians, the replacement of slower planes by factories, and increased travel with the varied needs of travelers

This lost \$200,000,000,000 could have enabled us to spend twice as much on public education each year of the decade, and to pay the entire cost of college education for all high school graduates during the period. Also, it could have provided a new \$5000 home for every young couple married during these ten years, given them a new car in their garage, and built 25,000 miles of four-lane highway on which to drive. In addition, a \$100,000 hospital could have been built in every one of the more than 3000 counties, and free hospitalization could have

been furnished every one in the nation needing it. With all these human needs met, there would still have been enough left to develop the water power in every drainage basin in the United States similar to the Tennessee Valley power projects. Because as a nation we planned so poorly we have none of these things, and when we entered the war, millions of our workers were unskilled because of a decade of unemployment.

The Employment Act of 1946 created a Council of Economic Advisors. This Council consists of three members chosen by the President with the consent of the Senate, and members receive a salary of \$15,000 a year. With the assistance of a large staff of experts the Council studies trends of employment, prices, taxes, etc., and annually prepares a report for the President to submit to Congress recommending legislative steps to promote systematic employment. There is also a Joint Committee on the Economic Report, composed of Congressmen who cooperate in promoting legislation that will be helpful to continuous employment.

Examples of Legislation Helpful to Employment. In 1946 Congress appropriated \$500,000,000 as conditional aid for highways in the States. (See page 345.) It also appropriated \$75,000,000 to distribute among the States on the basis of population and need for the building or equipment of nonprofit hospitals, provided the States match this money with \$2 of local money for each dollar of Federal money. Likewise, Congress authorized the appropriation of \$100,000,000 a year for airports to be distributed among the States by the Administrator of Civil Aeronautics on the basis of population and area, provided the States match this money dollar for dollar.

Planning by Private Industry. — All great industries have their laboratories at work to discover new products and improve old ones, just as DuPont developed nylon which gives work to thousands and adds to utility as well as to women's happiness. Transportation offers such examples as "teardrop" cars, jeeps that plow or run 60 miles an hour, and helicopters.

Railroads are making lighter and faster trains, less-expensive sleepers, and even Pullman "junior club cars" are planned.

Better Cities. — Large portions of our cities need to be rebuilt — not by the square block, but by the square mile. To replace a single block surrounded by dilapidated structures would not be a sound investment. We should tear down not only the dank sweat-shops, but all substandard residences, and we should make these areas into desirable neighborhoods. Residence centers should be free from the disruptive forces of through traffic. In replanning the cities there is an opportunity to locate schools, libraries, churches, medical clinics, hospitals, and playgrounds appropriately in each community. Convenient spaces may be allotted to local markets and shops. The larger stores, theaters, offices, and factories, with parking spaces in basements, on roofs, and in the interior of office buildings, may be located in the city center. In brief, the city should be carefully zoned.

These great clearance projects would be too much for cities to handle alone. In the first place, the State must give the city the right to acquire all property over a wide area at a fair price by right of eminent domain. In the District of Columbia this right exists now. Also, the States may have to increase the borrowing power of cities for these large long-term improvements.

Cities can borrow money at interest rates as low as the



Courtesy National Dairy Council

AN ATTRACTIVE HOME'

If men are employed with good wages, and money is available at low rates of interest, families can pay for their homes, and pay taxes on them, too.

National Government because the interest from city bonds is exempt from the United States income tax. Moreover, the National Government might insure loans for slum-clearance low-rent projects.

When the buildings are removed from the area to be rebuilt, the city would own all the land. After segregating the part



Courtesy United States Housing Authority

SLUM CLEARANCE

This type of house and yard must displace our suburban slums

needed for public purposes the remainder could be sold for residential purposes and for business, but only after the area is zoned as to use. The city might retain ownership of the land and lease it for long terms if direct sale is not practicable.

Life insurance companies might be permitted to invest their funds in rebuilding large areas. Federal Housing Administration loans could be made for building in the remade areas. Loans for building in these restricted areas would be safer than for building in parts of the city with an uncertain future.

How Cities Can Clear Slums. — The New York City Housing Authority is building low-cost housing projects. The Housing Authority sells bonds secured by a city guarantee, and grants an annual cash subsidy from the city occupation tax. It rents apartments at \$7 a room.

How States Can Assist Private Industry in Clearing Slums. — In 1941 the New York legislature enacted the Urban Development Law allowing cities to trade with private corporations in encouraging them to rebuild slum areas. With this authority New York City induced the Metropolitan Life Insurance Company to clear 72 acres of slums in the lower East Side between 14th and 20th Streets and to build Stuyvesant Town for about 24,000 people. Nearly three fourths of the area is airy open space. Main thoroughfares curve around the town. There are no back yards. It is like a big park. Curling access roads will not cross the project, so there is no through traffic. Garages are underground and are approached from the bordering avenues. Rentals average about \$14 a room monthly. Compensation will permit the replacement of schools and churches.

The old property was taken by right of eminent domain, under the city's authority to condemn property in substandard unsanitary areas on behalf of a private business. Also the city agreed that for 25 years the insurance company will pay taxes on the valuation of the slum property destroyed instead of on the new property. And the city surrendered streets needed for the project in exchange for wider avenues surrounding it.

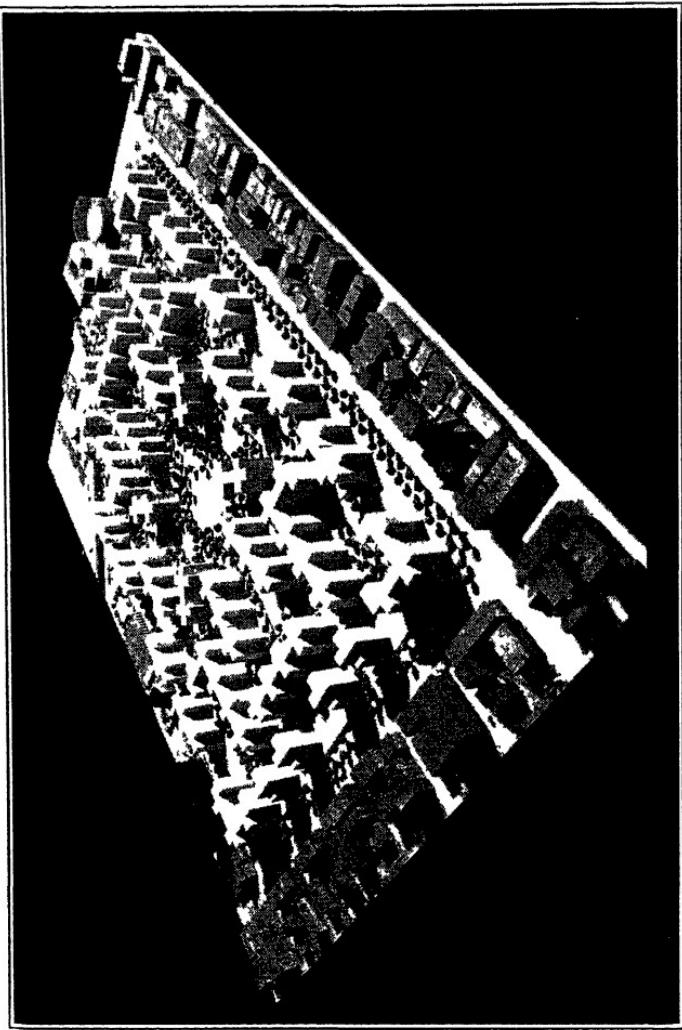
With similar encouragement the Equitable Life Assurance Society built the Clinton Hill project in Brooklyn.

How the Federal Government Can Assist Private Industry in Clearing Slums. — Colonial Village in Harlem, New York City, a medium-rent project with rooms at \$12.50 a month, is being financed by seven New York savings banks. In addition to the privileges granted the insurance company projects, the Federal Housing Administration has indicated a willingness to insure the bank investments to the extent of 80%.

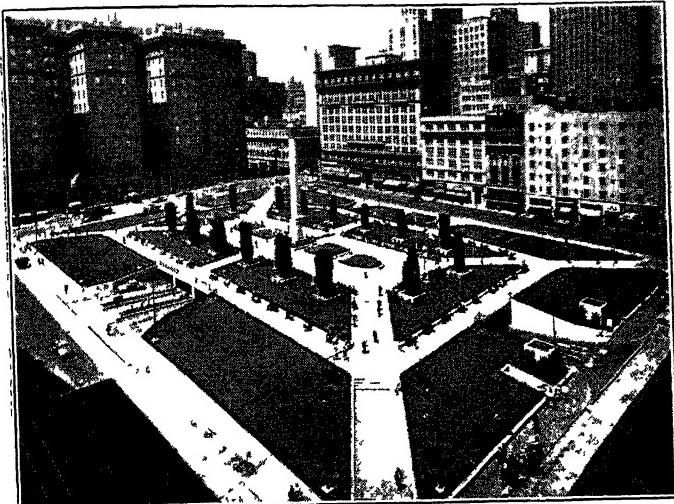
Courtesy Metropolitan Life Insurance Company

STUYVESANT TOWN IN THE BOROUGH OF MANHATTAN, NEW YORK

This is the housing project which the Metropolitan Life Insurance Company will build for 8761 families of moderate income. More than 500 old buildings, including many tenements, will be razed so that this community can be built.



Local Business Men Can Cooperate in Creating Work and Improving the City with Reconstruction Finance Corporation Assistance. — A good illustration of helping the city by this method is the building of the Union Square Garage in San Francisco. Lack of parking space was hurting business near Union Square Park, so business men and professional men formed the



Union Square Garage Corporation and built an immense garage beneath the park. The four underground levels provide space for 1700 cars. To build the garage it was necessary to make a 50-foot excavation, but the park was restored to its former beauty, with monument and trees as before.

The directors of the corporation sold \$680,000 worth of 6% cumulative preferred stock, at \$100 a share to merchants, hotels, theaters, and professional people within three blocks of the square, and to concessionaires. The Reconstruction Finance Corporation then lent \$850,000 on a first mortgage. One hundred shares of common stock were issued and given to San Francisco, which receives a token rental of \$5000 a year plus

\$15,000 in taxes. When the RFC loan is paid off in 21 years and the preferred stock is retired, ownership of the garage reverts to the city — at no cost. Parking charges are 25 cents an hour, 75 cents for over night, and \$12.50 per month.

Better Education. — A true democracy cannot rise above the level of its citizenry. The success of a democracy depends upon the intelligence, education, moral stamina, and patriotism of its people. For much of this we depend upon our schools, and



Courtesy New York Board of Education

INDIVIDUAL INSTRUCTION

yet we spend less on education than for alcoholic drinks, and less than for tobacco. In our public schools we assign, on the average, thirty-five pupils to the teacher. A playground director might handle this number efficiently for group play, but how can one teacher give needed individual attention to thirty-five youngsters, some of whom are in school because the law requires it, and many of whom come from homes that do very little to supplement the teacher's efforts?

In the United States we have about a million public school teachers. In order to make it possible for the public schools to give their pupils adequate individual attention, we should have another million teachers. With war taxes reduced, we should

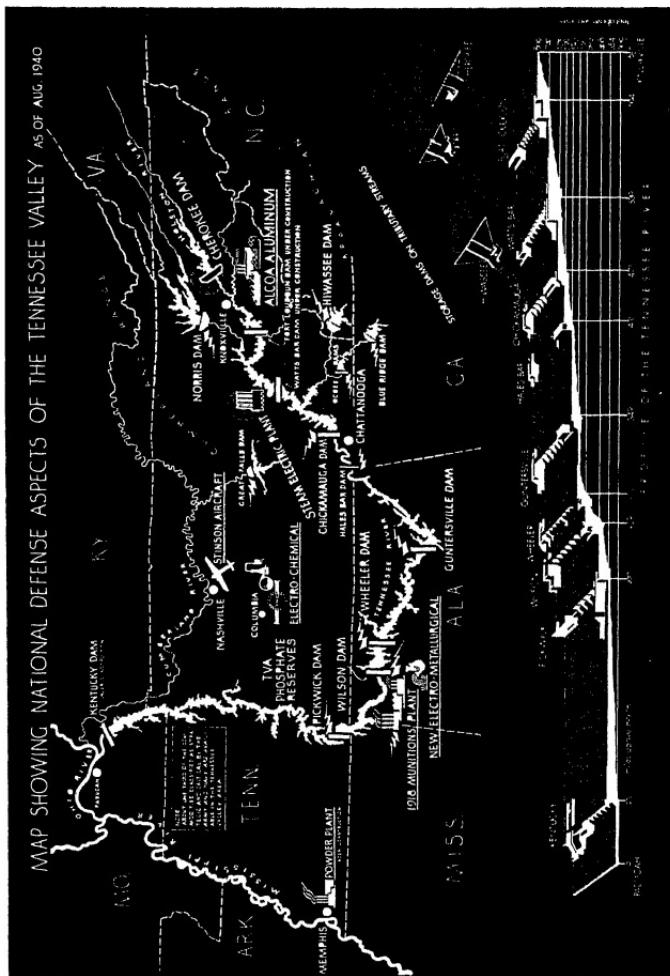
not overlook the opportunity to raise the standard of teaching by paying adequate salaries to induce our most capable citizens to enter or remain in the teaching profession. If the local governments are unable or unwilling to support their schools on this basis, the Federal Government might induce them to do so as it has induced States to build good roads — by a conditional offer to pay part of the cost.

All normal youth should have a high school education, or its equivalent in a church school or private school. This should include a thorough grounding in English composition for lifetime utility, a well-rounded course in the social sciences so they can vote intelligently, and an appreciation of good literature and periodicals to insure a wholesome lifetime enjoyment for leisure hours. Other courses might be more or less elective according to vocational abilities and interests, preparing some for college and the professions and others for non-professional vocations.

Every first-class city should have a vocational school above high school for those not going to college. A youth should not specialize unduly in high school, but should have that special training available after having had his basic work in high school.

Public Works. — In the long run it is more economical to provide worthwhile public work than to pay unemployment compensation, and the Federal Government has authorized a National expenditure of \$500,000,000 annually until 1948, to be matched by the States, for road construction. With this assistance New York State is projecting a 486-mile throughway which will enable motorists to travel safely and comfortably from one end of the State to the other, having breakfast in New York and dinner in Buffalo. This expressway is to have two divided lanes for traffic, each to have an ultimate width of three lanes. The opposing arteries will be separated by a mall of variable width.

Other Federal projects include irrigation, soil-erosion control, forest conservation and development, drainage and flood control, sanitation for drainage basins, recreational areas, navigation, and power development.

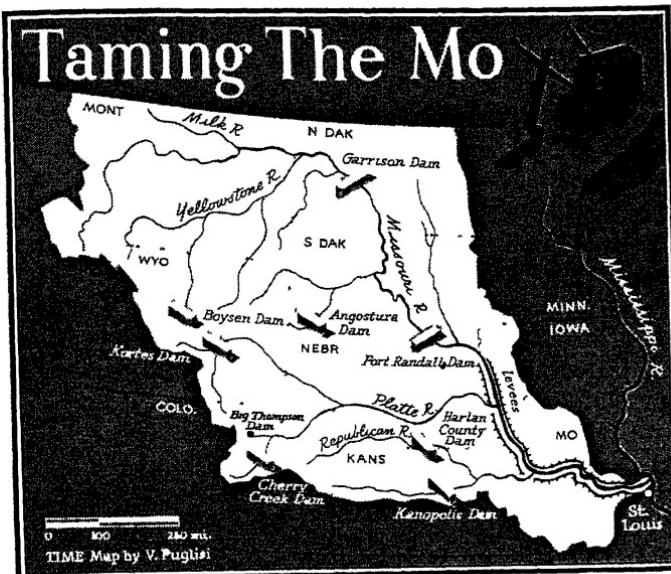


Courtesy Tennessee Valley Authority

REGIONAL DEVELOPMENT BY THE TENNESSEE VALLEY AUTHORITY, A FEDERAL CORPORATION

In the Tennessee Valley this Government-owned corporation has developed the most comprehensive regional project in the United States for soil conservation, irrigation, flood control, navigation, and power. In 1944 the Tennessee was not seriously affected by the heaviest rainfall in 64 years.

The war dug deep into our high-grade iron ore, coal, and oil. To conserve what remains of all our potential power, basins need power development. Power projects will help all private industry. They will keep cement plants running, copper mines open, and electric manufacturers busy producing dynamos,



Courtesy of TIME, © Time Inc 1946

DAMS PLANNED ON THE MISSOURI SYSTEM

motors, electric stoves, and other items. They will mean business to contractors with equipment formerly used to build war industries. They will mean work for electricians, trained mechanics, and unskilled labor. Not only this, but an abundance of power sold at a low-profit price would stimulate various industries needing cheap power. If in competing in the world market our labor costs are higher than in other countries, we may still compete if we have the advantage of cheap power.

Making Full Employment Practical.—Winning the war is like a successful major operation. The patient comes out alive, but he still may not completely recover without care in the convalescent period. In the transition period we face many dangers that might affect our national economic health for decades to come.

A hands-off policy would almost certainly result in unemployment. When the depression of the thirties suddenly developed, we unsuccessfully tried to relieve unemployment by poking around in a scrap barrel and finding odds and ends of jobs for people. We must not repeat this mistake; we must do things in a big way. We no longer live in the horse-and-buggy age but in the atomic-bomb age, and unless we can keep people employed, radical groups will create dangerous social problems.

To avoid a depression, full employment must be maintained at a relatively high wage so that purchasing power can keep factories running, farms producing, transportation systems going, and merchants supplying the consumers. Purchasing power cannot be maintained on the former low W. P. A. wages. Moreover, the workers will want to be engaged in projects that are vitally important. We must not repeat the tragedy of W. P. A. workers leaning on their shovels feeling thwarted and foolish.

The projects suggested in this chapter are not in competition with private industry, but are planned to stimulate it. Whenever possible, the contract system should be used for Government projects, with the employees hired by the contractor. The United States should become a nation of skilled workers rather than a nation of unskilled "reliefers."

QUESTIONS ON THE TEXT

1. During the depression of the thirties what did unemployment cost us?
2. How could work instead of idleness have improved the lot of the common person in the United States?

- 3 What are some things that private industry hopes to do after the war?
- 4 How can the Government assist private industry in peacetime expansion?
- 5 Why were "scrap-barrel" jobs ineffective in relieving unemployment?
- 6 How can the Federal Government assist in the rebuilding of our cities?
- 7 How can education be improved during the reconstruction period?
- 8 Why are some Federal projects likely to be necessary?

PROBLEMS FOR DISCUSSION

1. What are some of the unemployment problems that we face?
2. Why is it desirable for private industry to solve as much of the unemployment problem as possible?
3. What worthwhile public problems could your State undertake?
4. Is your city modern and well planned? How could it be improved?
5. What kinds of Federal projects do you consider the more desirable?

Explain

- 6 Why is a high real wage standard necessary to maintain our American way of life?

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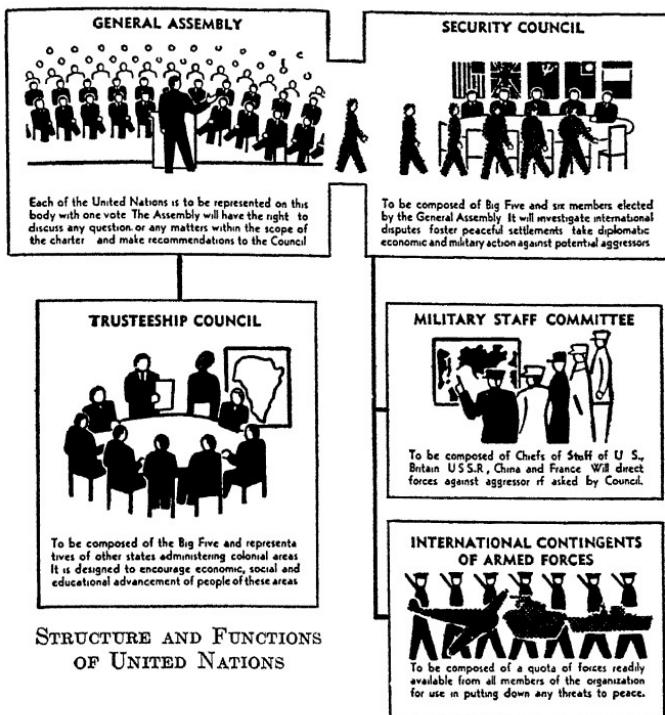
CHAPTER XL

BASES FOR A LASTING PEACE

The New World. — It took the *Mayflower* sixty days to cross the Atlantic, but now it is a comfortable day's journey by air. A generation ago a trip around the world was a mark of distinction, but in 1942 Wendell Willkie traveled 31,000 miles in a trip around the world in one week of actual flying time. He conferred with hundreds of persons, and returned home with the statement. "If I ever had any doubts that the world has become small and completely interdependent, this trip would have dispelled them altogether. There are no distant points in the world any longer. Our thinking and our planning in the future must be global. All around the world is the mixture of respect and hope with which the world looks to this country. Other peoples are waiting for us to accept the most challenging opportunity of all history — the chance to create a new society in which men and women the world around can live and grow invigorated by freedom."

The Four Freedoms enunciated by President Roosevelt in his message to Congress on January 6, 1941, were freedom of religion, freedom of expression, freedom from want, and freedom from fear.

San Francisco Conference. — To promote the Four Freedoms through organized international cooperation, delegates from fifty Allied Nations met at San Francisco in 1945 and drafted the United Nations Charter, which was promptly ratified by the nations. The United States Senate ratified it almost unanimously; and the self-governing headquarters are near New York City.



UNITED NATIONS CHARTER

Purpose: To promote international peace and the general welfare of all peoples.

Membership: The General Assembly, upon recommendation of the Security Council, may admit any "peace-loving" state

General Assembly: It consists of not exceeding 5 representatives chosen by the government of each member state; but each state has only one vote. It has power to:

Discuss international peace problems, and make recommendations to the Security Council or to the governments of the member states

Initiate studies and make recommendations regarding international law and its codification

Initiate studies and make recommendations regarding cultural, health, social, educational, and economic welfare

Consider and approve the budget; and apportion the expenses among the member states

Elect non-permanent members of the Security Council

Decisions of the General Assembly on important questions are made by a two-thirds majority of those present and voting

Security Council: It consists of 11 members — 5 permanent members (Great Britain, France, Russia, China, and the United States) and 6 other members elected by the General Assembly for terms of two years

Decisions on procedural matters are made by an affirmative vote of 7 members, and on other matters by an affirmative vote of 7 members including the votes of the 5 permanent members. Thus on important actions the Security Council must have the unanimous consent of the Big Five, and the success of the organization depends upon the friendship and cooperation of these 5 powers.

The Security Council is organized to function continuously. Each member must be represented at all times at the seat of the organization. It has power —

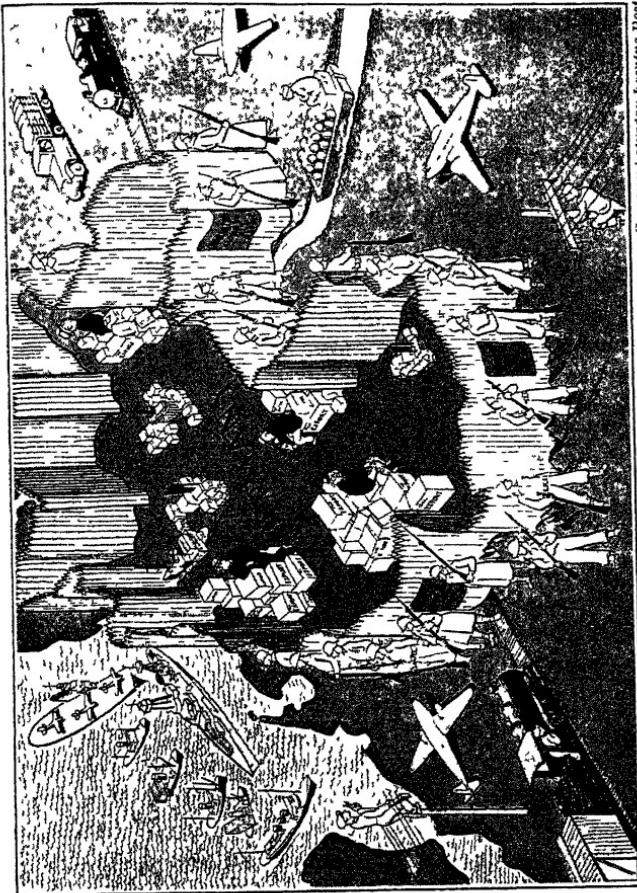
To submit plans to the members of the United Nations for the regulation of armaments

To consider international disputes on which the states themselves have been unable to agree

To take such action as is necessary to prevent international wars

- (a) by severance of international relations;
- (b) by stoppage of transportation and communication, or
- (c) by action of air, sea, or land forces, that the members have agreed to supply when needed.

Courtesy Saturday Evening Post



If Germany should violate the military restrictions imposed upon her at the end of World War II, the United Nations under the United Nations Charter could impose a blockade and economic boycott like this

Military Staff Committee: It consists of the chiefs of staff of the Big Five. Other states asked to supply force are associated with the committee for the time being. It advises and assists the Security Council in the regulation of armament or disarmament, or in the use of military force.

Economic and Social Council: This body, chosen by the General Assembly, studies cultural, social, economic, educational, and health problems, may set up commissions, and may call international conferences. Its findings are reported to the General Assembly or to member states for action.

Non-Self-Governing Territories: Self-governing commonwealths like Canada and Australia are members of the United Nations, but non-self-governing territories like Puerto Rico and Bermuda are given some consideration by the Charter. The governing states, like the United States and Great Britain, are required to make regular reports to the Secretary-General regarding achievement in social, economic, and educational progress, and progress towards self-government. These reports may constitute a basis for discussion in the General Assembly, and resulting public opinion may force progress.

Trusteeship Council: This council consists of one from each of the Big Five and each of the other United Nations administering "trust territories" and an equal number elected by the General Assembly from member states not administering "trust territories".

"Trust Territories" may be one of three kinds: (1) those held under mandate (created by the League of Nations) like Palestine held by Great Britain, (2) those that are detached from enemy states at the end of World War II, and (3) others voluntarily placed under the system. None of the above three types become "trust territories" except through agreement with the governing state.

The purpose of the Trusteeship Council is to promote justice and welfare for natives and equal trade opportunities for members of the United Nations. It prepares questionnaires and con-

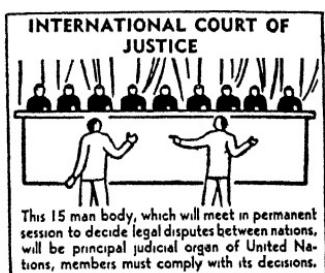
siders reports from the administering states, and provides for periodic inspection trips to the respective trust territories at times agreed upon with the administering authority.

The Secretariat: This branch consists of a Secretary-General, the chief administrative officer, and such staff as needed. The Secretary-General is appointed by the General Assembly on the recommendation of the Security Council, and he appoints his own staff.

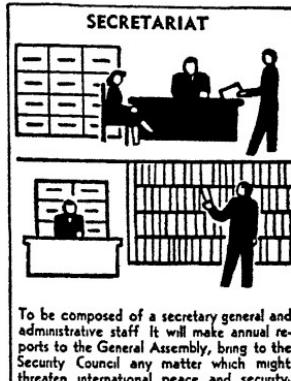
The Secretary-General is a sort of executive secretary for the General Assembly, Security Council, Economic and Social Council, and the Trusteeship Council. His central duty is to bring to the attention of the Security Council any matter that threatens peace.

Every international agreement entered by a member state must be published by the Secretariat. If not reported it does not have international standing.

International Court of Justice: The court consists of 15 members elected by the General Assembly and the Security Council (voting separately) for terms of 9 years (and may be reelected). The seat of the Court is at The Hague, but the Court may divide into chambers and sit elsewhere. Salaries are fixed by the General Assembly, are paid by the United Nations, and are free from taxation.



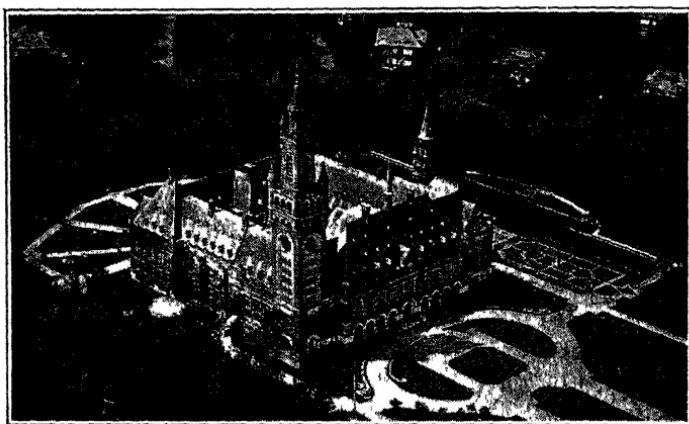
Only states (members of the United Nations or non-members) may be parties in cases before the Court. The jurisdiction of the Court comprises all cases which the parties voluntarily refer to it and all matters specially



provided for in the Charter of the United Nations or in treaties in force

The official languages of the Court are French and English, but a party to a suit may use another language if it so requests. Decisions are made by majority vote

The Court may give an advisory opinion on any legal question when requested by the General Assembly or the Security Council, or by other organs of the United Nations with the consent of the General Assembly.



Courtesy Royal Dutch Air Lines

HAUGE PEACE PALACE, THE SEAT OF THE NEW COURT

Amendments: Amendments to the Charter are proposed by two thirds of the members of the General Assembly (or two thirds of an international conference) and ratified by two thirds of the member states, including all of the Big Five.

If a general conference is not held to revise the Charter before the tenth annual session of the General Assembly, this session must vote on the holding of such a conference; and the conference must be held if so decided by a majority of the members of the General Assembly and any seven members of the Security Council.

Charter Not Applicable to Action Against World War II Enemies: The enemy states in World War II were not invited to membership in the United Nations by the fifty Allied Nations that met at San Francisco , and the Charter expressly places no restrictions on the actions taken by Allied Nations concerning Germany, Japan, and the other recent enemy nations.

The Charter Gives Very Limited Powers to the United Nations: The organization is not a federation of states It is more like the League of Nations , more like the American Confederation (1777-1789) which failed for lack of adequate powers, and was replaced by our strong central federation of states

The organization was the best we could get at this time, so let us support it while working for a stronger world union. Alliances and leagues have been temporary, but federations have lasted and become stronger.

INTERNATIONAL BANK

International Bank for Reconstruction and Development. — In 1945 our Congress voted to cooperate in this bank, and to furnish about one third of the funds The Bank may make direct loans to member governments for productive enterprises in their countries ; or may guarantee such loans when floated through regular investment channels The guarantee, for which perhaps 1% will be charged annually, as well as direct loans, will be granted at the discretion of the directors. The guarantee will make it possible for sound enterprises to borrow at low interest rates, thus encouraging power plants; transportation systems, irrigation systems, etc

International Monetary Fund. — Following the world-wide panic of 1929 Japan lowered the value of its money (yen) so that prices would be low and other parts of the world would buy in Japan Then the British lowered the value of the pound, the United States created the 60-cent dollar, the French lowered the franc, and the Germans created special marks for trade that outsiders could buy cheap.

To prevent the manipulation of money in this fashion the member countries agree not intentionally to change the value of their money except within the range permitted by the above international organization

② To make available for a country, dollars or money of some other nation without paying an unreasonable exchange rate for



Shoemaker in Chicago Daily News

TIME FOR PLAIN SPEAKING

it, the organization has provided for a fund of \$8,800,000,000 to make short-term loans available to countries in the kind of exchange that they need. For instance, if Greece is short of dollars and needs repairs for its war-injured railroads, docks, or power plants, it may borrow dollars if the loan seems reasonably good.

FUNCTIONS THAT MIGHT BE ADDED TO THE UNITED NATIONS CHARTER

International Commerce should be regulated so as to prevent unreasonable restrictions of trade and so as to enable nations to

obtain the products they need Import duties might be reduced a certain per cent each year by all members, governments might agree mutually to exchange an increased amount of products through an international clearing house, buying as much as they sell each year, or there might be free trade as among our forty-eight States Trade is a two-way street, if either way is blocked some will suffer, but if trade moves freely both ways the world can provide an abundance for all nations

Migration could be regulated by the United Nations through a Commission on Migration and Population Problems For example, this commission should facilitate the movement of unfortunate surplus population or oppressed minority groups to regions of opportunity and acceptability. By large-scale drainage or irrigation and sanitation it could make regions blossom which are now uninhabitable The Commission might also discourage large families in overpopulated countries.

Sea-Ways, such as the Suez Canal, Kiel Canal, Panama Canal, the Dardanelles, and the Strait of Gibraltar, could be under the control of the United Nations It could insure their impartial use by all nations and could protect them by international police

An International Police, controlling all bombers, tanks, and armed vessels, and stronger than any probable grouping of nations, would enable nations to disarm with safety, just as the forty-eight American States were willing to give the Federal Government control over State militia after the Federal Army insured protection to the States For every country to maintain a large competitive army, necessitating that every taxpayer carry the burden of a soldier upon his back, is as impractical as for every citizen of a city to employ a night guard for his home instead of employing a city police force to protect all property

Taxation is essential to every government One reason why the American Confederation failed is because it had no taxing power and had to depend upon contributions reluctantly made

by the States. But can we afford to pay taxes to support an international organization? If one international police force can maintain international peace, the member countries could save many times the cost of such an organization.

Commercial Airplanes could be regulated by the United Nations to prevent their being used by national states for selfish military purposes.

An Arms Commission should have power to inspect national arsenals and factories so as to prevent any state from accumulating armament forbidden by the international organization.

Freedom of Press, Speech, and Radio for debate and the development of cooperative public opinion is essential. While we taught peace the Axis powers taught war, and because of their censorship we had no opportunity to combat their arguments.

A Multi-Language Broadcasting Chain should daily promote international good will and cooperation.

Other Powers or Functions — Many other things started by the League of Nations could be carried on by the new organization, such as the International Labor Office and the International Health Organization.

No Brotherhood without Some Surrender of National Sovereignty — E Stanley Jones says "The League of Nations was trying to have a world brotherhood without any surrender of national sovereignty. Each nation within the League retained its sovereignty intact; every decision had to be unanimous. Every nation refused to surrender itself to a union of the whole. They saved their lives and they lost them. They ran against that law of the Kingdom deeply imbedded in the moral universe. 'Whosoever will save his life shall lose it; and whosoever will lose his life . . . shall save it.' The only possible way to find life is to lose it in something higher than itself; then it comes back again. But center yourself on yourself and make yourself sovereign, and that self will go to pieces. That is true of the individual, and it is true of the group or nation. The League was trying the impossible. You simply cannot have

a union without surrender of some sovereignty to that union. Suppose a husband and a wife should decide that neither one would surrender any individual sovereignty to the union, what would be the result?"

QUESTIONS ON THE TEXT

- 1 What are the Four Freedoms enunciated by President Roosevelt?
- 2 What are the main points of the United Nations Charter?
- 3 What are some suggested powers that an international organization might have to promote peace in addition to those in the United Nations Charter?
- 4 How could the radio be used to develop public opinion in favor of an international organization?
- 5 What does E. Stanley Jones say regarding sovereignty?

PROBLEMS FOR DISCUSSION

1. The production of a 10-ton atomic bomb as destructive as 10,000,000 ordinary bombs already is scientifically practical. Such a bomb could kill every one of New York's inhabitants. Russia and other countries will soon have the atomic bomb because scientists are poor at keeping secrets; and there is no defense against it. "The world race for uranium deposits will make the race for oil look like a pushcart derby." Such are the facts expressed by Professor M. L. Oliphant, famous scientist who played a leading role in developing the first atomic bomb. How do you think we can best prevent the destruction of New York, Washington, Chicago, and the rest of our large cities by an attack like that on Pearl Harbor?
- 2 Should our population center in a few large cities?
- 3 Should we have one or many power plants on a circuit?
- 4 "The main barrier between East and West today is that the white man is not willing to give up his superiority and the colored man is no longer willing to endure his inferiority," says Pearl S. Buck. What will happen when our resources are gone and theirs are developed, unless we gain their good will by a just and helpful cooperation?

- 5 After the Great Fire of London in 1666 Sir Christopher Wren laid out superb plans for a new city which would have made the heart of London the most beautiful in the world, with spacious avenues and superb vistas, but the small-scale individuals "tore up his plan." If we fail to build a better world, will it be due to our leaders of "large-scale vision" or to "small-scale individuals"?

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APPENDIX I

CONSTITUTION OF THE UNITED STATES (ANNOTATED)

PREAMBLE¹

WE, the people of the United States, in order to form a more perfect Union, establish justice, insure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

ARTICLE I

LEGISLATIVE DEPARTMENT

Section 1. Two Houses

All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

Section 2. House of Representatives

1 The House of Representatives shall be composed of members chosen every second year by the people of the several states, and the electors in each state shall have the qualifications requisite for electors of the most numerous branch of the state legislature²

2. No person shall be a Representative who shall not have attained to the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that state in which he shall be chosen³

¹ The Preamble is an introduction to the main subject and assists in interpreting the various clauses that follow by indicating the intentions of the framers of the Constitution.

² "Electors" means voters

³ The first woman representative, Miss Rankin, was elected from Montana in 1916.

2 CONSTITUTION OF THE UNITED STATES

3 Representatives and direct taxes shall be apportioned among the several states which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, *three-fifths of all other persons*⁴. The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of Representatives shall not exceed one for every thirty thousand, but each state shall have at least one Representative; and, until such enumeration shall be made, the state of New Hampshire shall be entitled to choose three, Massachusetts eight, Rhode Island and Providence Plantations one, Connecticut five, New York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.

4 When vacancies happen in the representation from any state, the executive authority thereof shall issue writs of election to fill such vacancies.

5 The House of Representatives shall choose their Speaker and other officers; and shall have the sole power of impeachment.

Section 3. Senate

1 The Senate of the United States shall be composed of two Senators from each state [chosen by the legislature thereof]⁵ for six years; and each Senator shall have one vote.

2 Immediately after they shall be assembled in consequence of the first election, they shall be divided, as equally as may be, into three classes. The seats of the senators of the first class shall be vacated at the expiration of the second year; of the second class, at the expiration of the fourth year; and of the third class, at the expiration of the sixth year; so that one-third may be chosen every second year; [and if vacancies happen by resignation, or otherwise, during the recess of the legislature of any state, the executive thereof may make temporary appointments until the next meeting of the legislature, which shall then fill such vacancies].⁵

3. No person shall be a Senator who shall not have attained to the age of thirty years, and been nine years a citizen of the United States,

⁴ The clause in italics, referring to slaves, is superseded by the Thirteenth and Fourteenth Amendments.

⁵ See Seventeenth Amendment.

who shall not, when elected, be an inhabitant of that state for which he shall be chosen

4. The Vice-President of the United States shall be President of the Senate, but shall have no vote, unless they be equally divided.

5. The Senate shall choose their other officers, and also a President *pro tempore*, in the absence of the Vice-President, or when he shall exercise the office of President of the United States

6. The Senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation. When the President of the United States is tried, the Chief Justice shall preside; and no person shall be convicted without the concurrence of two-thirds of the members present.⁶

7. Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust, or profit, under the United States; but the party convicted shall, nevertheless, be liable and subject to indictment, trial, judgment, and punishment, according to law.

Section 4. Elections and Meetings of Congress

1. The times, places, and manner of holding elections for Senators and Representatives, shall be prescribed in each state by the legislature thereof; but the Congress may at any time, by law, make or alter such regulations, except as to the places of choosing Senators.⁷

2. The Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day. (Changed to January 3d by Amendment XX.)

Section 5. Powers and Duties of the Houses

1. Each House shall be the judge of the elections, returns, and qualifications of its own members,⁸ and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day

⁶ "Two-thirds of the members present" must be at least two thirds of a quorum. There are now 96 senators; 49 is a quorum, hence 33 could convict.

⁷ In 1842 Congress provided that representatives should be elected from districts. In 1872 Congress provided that representatives should be elected on the Tuesday after the first Monday in November of every even year. Maine, the only exception to this rule, elects in the late summer, and its election is viewed as a political barometer.

⁸ This provision permits either House to exclude a member-elect by a majority vote.

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to day, and may be authorized to compel the attendance of absent members, in such manner, and under such penalties, as each House may provide

2 Each House may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member.

3. Each House shall keep a journal of its proceedings, and, from time to time, publish the same, excepting such parts as may, in their judgment, require secrecy; and the yeas and nays of the members of either House, on any question, shall, at the desire of one-fifth of those present, be entered on the journal

4 Neither House, during the session of Congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two Houses shall be sitting.

Section 6. Privileges of and Prohibitions upon Members

1. The Senators and Representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the treasury of the United States. They shall, in all cases, except treason, felony, and breach of the peace,⁹ be privileged from arrest during their attendance at the session of their respective Houses, and in going to, and returning from, the same; and for any speech or debate in either House, they shall not be questioned in any other place.¹⁰

2 No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased during such time;¹¹ and no person, holding any office under the United States, shall be a member of either House during his continuance in office

⁹ *Treason* is defined in Art III, Sec 3

Felony is any serious crime

Breach of the peace means any indictable offence less than treason or felony; hence the exemption from arrest is now of little importance.

¹⁰ The privilege of speech or debate does not extend to the outside publication of libelous matter spoken in Congress

¹¹ After President Taft had selected Senator Knox to be Secretary of State it was discovered that during the latter's term as senator the salaries of cabinet officers had been increased. The objection was removed by an Act of Congress reducing the salary of the Secretary of State to its former figure

Section 7. Revenue Bills: President's Veto

1. All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments as on other bills

2 Every bill which shall have passed the House of Representatives and the Senate, shall, before it become a law, be presented to the President of the United States; if he approve, he shall sign it, but if not, he shall return it, with his objections, to that House in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it.¹² If, after such reconsideration, two-thirds of that House shall agree to pass the bill, it shall be sent, together with the objections, to the other House, by which it shall likewise be reconsidered, and, if approved by two-thirds of that House, it shall become a law. But in all such cases the votes of both Houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each House respectively If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Congress, by their adjournment, prevent its return, in which case it shall not be a law.

3 Every order, resolution,¹³ or vote, to which the concurrence of the Senate and House of Representatives may be necessary (except on a question of adjournment), shall be presented to the President of the United States; and before the same shall take effect, shall be approved by him, or, being disapproved by him, shall be repassed by two-thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill.

¹² Particular items of bills cannot be vetoed by the President, which fact is very unfortunate

¹³ "Every . . . resolution . . . to which the concurrence of the Senate and the House of Representatives may be necessary," means every resolution which has the effect and force of law There are two kinds of resolution, "joint" and "concurrent"

A joint resolution is, in general, the same as a bill with the exception of the different wording of the enacting clause; hence must be signed by the President, except that an amendment to the Constitution is proposed by a joint resolution which need not be signed by the President because it has not the effect of law , it is merely a proposal of a law to the States

A concurrent resolution does not have the effect of law ; it is merely an expression of the will of Congress on some particular subject, such as adjournment beyond three days, or an expression of sympathy, so does not need the approval of the President

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Section 8. Legislative Powers of Congress

The Congress shall have power:

1. To lay and collect taxes, duties, imposts, and excises,¹⁴ to pay the debts, and provide for the common defence and general welfare, of the United States; but all duties, imposts, and excises, shall be uniform throughout the United States:
2. To borrow money on the credit of the United States.
3. To regulate commerce with foreign nations, and among the several states, and with the Indian tribes:
4. To establish a uniform rule of naturalization, and uniform laws on the subject of bankruptcies,¹⁵ throughout the United States:
5. To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures.
6. To provide for the punishment of counterfeiting the securities and current coin of the United States.
7. To establish post offices and post roads.¹⁶
8. To promote the progress of science and useful arts,¹⁷ by securing, for limited times, to authors and inventors, the exclusive right to their respective writings and discoveries:
9. To constitute tribunals inferior to the Supreme Court:
10. To define and punish piracies and felonies, committed on the high seas, and offences against the law of nations
11. To declare war, grant letters of marque and reprisal,¹⁸ and make rules concerning captures on land and water.
12. To raise and support armies; but no appropriation of money to that use shall be for a longer term than two years:
13. To provide and maintain a navy:
14. To make rules for the government and regulation of the land and naval forces

¹⁴ For the meaning of these terms see pages 120-126 of the text

¹⁵ For explanation of bankruptcy see pages 107-108.

¹⁶ "Post" is the French word *poste* meaning "mail"; and "post roads" mean mail routes, such as turnpikes, railroads, rivers, city streets, mountain paths, etc

¹⁷ This clause refers to copyrights and patents.

¹⁸ *Marque* is a French word meaning "boundary." "Reprisal" is from the French word *représaille*, which means retaliation. Hence, originally letters of "marque and reprisal" were licenses to cross the boundaries into the enemies' country, and to capture or destroy goods. As used here it means a commission authorizing private citizens to fit out vessels (privateers) to capture or destroy in time of war. No privateers were commissioned either during the Civil War or during the Spanish-American War.

15. To provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions.

16. To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the states respectively the appointment of the officers, and the authority of training the militia, according to the discipline prescribed by Congress

17. To exercise exclusive legislation in all cases whatsoever, over such district (not exceeding ten miles square) as may, by cession of particular states, and the acceptance of Congress, become the seat of the government of the United States, and to exercise like authority over all places, purchased by the consent of the legislature of the state in which the same shall be, for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings: — And

18. To make all laws which shall be necessary and proper ¹⁹ for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the government of the United States, or in any department or officer thereof

Section 9. Prohibitions upon the United States

1. The migration or importation of such persons, as any of the states, now existing, shall think proper to admit, shall not be prohibited by the Congress prior to the year one thousand eight hundred and eight; but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person

2. The privilege of the writ of *habeas corpus* ²⁰ shall not be suspended, unless when, in cases of rebellion or invasion, the public safety may require it

3. No bill of attainder, or *ex post facto* law,²¹ shall be passed

¹⁹ *Necessary* does not mean absolutely or indispensably necessary, but merely appropriate. This so-called *necessary and proper clause* is also known as the elastic clause, because it has made it possible for the courts to stretch the meaning of other clauses of the Constitution

²⁰ A *writ of habeas corpus* is directed by a judge to any person detaining another, demanding that person to produce the body of the person detained in order to determine whether such person is rightfully or wrongfully detained. Such person may be a prisoner in jail, an inmate of an insane asylum, or any person detained contrary to law.

²¹ A *bill of attainder* is a legislative act which inflicts punishment without a judicial trial. See Art I, Sec 10, see also Art III, Sec 3, Cl 2

For the meaning of *ex post facto* see page 391 of the text.

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4 No capitation, or other direct tax, shall be laid, unless in proportion to the *census* or enumeration hereinbefore directed to be taken ²²

5 No tax or duty shall be laid on articles exported from any state.

6 No preference shall be given by any regulation of commerce or revenue to the ports of one state over those of another; nor shall vessels bound to, or from, one state, be obliged to enter, clear, or pay duties, in another

7 No money shall be drawn from the treasury, but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time

8. No title of nobility shall be granted by the United States; and no person holding any office of profit or trust under them shall, without the consent of the Congress, accept of any present, emolument, office, or title, of any kind whatever, from any king, prince, or foreign state.

Section 10. Prohibitions upon the States

1 No state shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal, coin money, emit bills of credit;²³ make anything but gold and silver coin a tender in payment of debts; pass any bill of attainder, *ex post facto* law, or law impairing the obligation of contracts, or grant any title of nobility.

2. No state shall, without the consent of the Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws, and the net produce of all duties and imposts, laid by any state on imports or exports, shall be for the use of the treasury of the United States; and all such laws shall be subject to the revision and control of the Congress

3 No state shall, without the consent of Congress, lay any duty of tonnage,²⁴ keep troops, or ships of war, in time of peace, enter into any agreement or compact with another state, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay

²² See Amendment XVI Also see pages 122-123 of the text

²³ Bills of credit mean paper money

²⁴ Tonnage is a vessel's internal cubical capacity in tons of one hundred cubic feet each Tonnage duties are duties upon vessels in proportion to their capacity

ARTICLE II

**EXECUTIVE DEPARTMENT: THE PRESIDENT AND
VICE-PRESIDENT****Section 1. Term: Election: Qualifications: Salary: Oath of Office**

1. The Executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and together with the Vice-President, chosen for the same term, be elected as follows

2. Each state shall appoint, in such manner as the legislature thereof may direct, a number of Electors, equal to the whole number of Senators and Representatives, to which the state may be entitled in the Congress; but no Senator or Representative, or person holding an office of trust or profit, under the United States, shall be appointed an Elector.

3. [The Electors shall meet in their respective states, and vote by ballot for two persons, of whom one, at least, shall not be an inhabitant of the same state with themselves. And they shall make a list of all the persons voted for, and of the number of votes for each; which list they shall sign and certify, and transmit, sealed, to the seat of the Government of the United States, directed to the President of the Senate. The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes shall be the President, if such number be a majority of the whole number of Electors appointed; and if there be more than one, who have such majority, and have an equal number of votes, then, the House of Representatives shall immediately choose, by ballot, one of them for President; and if no person have a majority, then, from the five highest on the list, the said House shall, in like manner, choose the President. But in choosing the President, the votes shall be taken by states, the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to a choice. In every case, after the choice of the President, the person having the greatest number of votes of the Electors shall be the Vice-President. But if there should remain two or more who have equal votes, the Senate shall choose from them, by ballot, the Vice-President.]²⁵

²⁵ This paragraph has been superseded by Amendment XII.

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4. The Congress may determine the time of choosing the Electors, and the day on which they shall give their votes; which day shall be the same throughout the United States

5. No person, except a natural-born citizen, or a citizen of the United States at the time of the adoption of this Constitution, shall be eligible to the office of President; neither shall any person be eligible to that office, who shall not have attained to the age of thirty-five years, and been fourteen years a resident within the United States

6 In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice-President, and the Congress may by law provide for the case of removal, death, resignation or inability, both of the President and Vice-President, declaring what officer shall then act as President, and such officer shall act accordingly, until the disability be removed, or a President shall be elected.²⁶

7 The President shall, at stated times, receive for his services a compensation, which shall neither be increased nor diminished during the period for which he shall have been elected, and he shall not receive, within that period, any other emolument from the United States, or any of them

8 Before he enter on the execution of his office, he shall take the following oath or affirmation.

"I do solemnly swear (or affirm), that I will faithfully execute the office of President of the United States, and will, to the best of my ability, preserve, protect, and defend the Constitution of the United States"

Section 2. President's Executive Powers

1. The President shall be Commander-in-Chief of the army and navy of the United States, and of the militia of the several states, when called into the actual service of the United States; he may require the opinion, in writing, of the principal officer in each of the executive departments upon any subject relating to the duties of their respective offices,²⁷ and he shall have power to grant reprieves and pardons²⁸ for offences against the United States, except in cases of impeachment

2. He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present

²⁶ For the order of succession to the presidency see page 179 of the text.

²⁷ This clause is the only authority for the President's Cabinet. There is no law of Congress that makes a department head a member of the Cabinet.

²⁸ For the pardoning power of the President see page 190 of the text

concur; and he shall nominate, and, by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers, and consuls, judges of the Supreme Court, and all other officers of the United States whose appointments are not herein otherwise provided for, and which shall be established by law;²⁹ but the Congress may by law vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of departments

3 The President shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at the end of their next session

Section 3. President's Executive Powers (*continued*)

He shall, from time to time, give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene both Houses, or either of them, and in case of disagreement between them, with respect to the time of adjournment, he may adjourn them to such time as he shall think proper; he shall receive ambassadors and other public ministers; he shall take care that the laws be faithfully executed, and shall commission all the officers of the United States

Section 4. Impeachment

The President, Vice-President, and all civil officers³⁰ of the United States, shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors.³¹

ARTICLE III

JUDICIAL DEPARTMENT

Section 1. Courts: Terms of Office

The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time

²⁹ For the President's power to remove officers see page 183 of the text.

³⁰ Civil officers subject to impeachment include all officers of the United States who hold their appointments from the National government, high or low, whose duties are executive or judicial. Officers in the army or navy are not civil officers; neither are senators and representatives officers in this sense, nor can they be impeached, but this would be useless as either House can expel a member by a two-thirds vote

³¹ A majority of the House of Representatives may impeach any civil officer of the United States whom they consider morally unfit for his position.

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to time ordain and establish. The judges, both of the Supreme and inferior courts, shall hold their offices during good behavior, and shall, at stated times, receive for their services a compensation which shall not be diminished during their continuance in office.

Section 2. Jurisdiction

1 The judicial power shall extend to all cases, in law and equity,³² arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; to all cases affecting ambassadors, other public ministers, and consuls; to all cases of admiralty and maritime jurisdiction;³³ to controversies to which the United States shall be a party, to controversies between two or more states, between a state and citizens of another state,³⁴ between citizens of different states, between citizens of the same state claiming lands under grants of different states, and between a state, or the citizens thereof, and foreign states, citizens, or subjects.

2 In all cases affecting ambassadors, other public ministers and consuls, and those in which a state shall be a party, the Supreme Court shall have original jurisdiction³⁵ In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions and under such regulations as the Congress shall make.

3 The trial of all crimes, except in cases of impeachment, shall be by jury; ³⁶ and such trial shall be held in the state where the said crimes shall have been committed; ³⁷ but when not committed within any state the trial shall be at such place or places as the Congress may by law have directed

³² For the meaning of *Equity* see note on pages 517, 519-520 of the text

³³ *Admiralty jurisdiction* includes cases of prizes seized in time of war, and crimes, torts, etc in time of peace, which occur on the high seas or navigable waters. *Maritime jurisdiction* has reference to contracts, claims, etc that are connected with maritime operations — e.g., a contract on land for ship supplies. Admiralty jurisdiction is given by the locality of the act, maritime, by the character of the act

³⁴ This clause was modified by the Eleventh Amendment.

³⁵ *Original jurisdiction* means the right of hearing and determining a case in the first instance. *Appellate jurisdiction* means the right to hear cases appealed from inferior courts

³⁶ Jury trials are guaranteed in federal courts only. States could abolish jury trials if they should desire to do so

³⁷ If a crime is committed on the sea, the accused is tried by the United States District Court of the district where the prisoner is landed

Section 3. Treason

1 Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court

2 The Congress shall have power to declare the punishment of treason, but no attainer of treason shall work corruption of blood, or forfeiture except during the life of the person attainted.³⁸

ARTICLE IV

RELATIONS OF STATES

Section 1. Public Records

Full faith and credit shall be given in each state to the public acts, records, and judicial proceedings of every other state. And the Congress may, by general laws, prescribe the manner in which such acts, records, and proceedings shall be proved, and the effect thereof.

Section 2. Rights in One State of Citizens of Another

1 The citizens of each state shall be entitled to all privileges and immunities³⁹ of citizens in the several states

2 A person charged in any state with treason, felony, or other crime, who shall flee from justice, and be found in another state, shall, on demand of the executive authority of the state from which he fled, be delivered up, to be removed to the state having jurisdiction of the crime

3 No person held to service⁴⁰ or labor in one state, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall

³⁸ During the Civil War an act was passed by Congress according to which all Confederate army or navy officers should forfeit their property. A certain piece of real estate in Virginia belonging to a Confederate naval officer, Forrest by name, was seized by the government and sold by legal proceedings to one Buntley. Buntley sold it to Bigelow. After the death of Forrest his son and rightful heir claimed it, and obtained it because treason cannot "work corruption of blood or forfeiture except during the life of the person attainted." See Art I, Sec 9, Cl 3

³⁹ For *privileges and immunities* see note on Fourteenth Amendment

⁴⁰ *Person held to service* means slave; hence this clause has no significance now

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be delivered up on claim of the party to whom such service or labor may be due.

Section 3. New States: Territories

1. New states may be admitted by the Congress into this Union; but no new state shall be formed or erected within the jurisdiction of any other state, nor any state be formed by the junction of two or more states, or parts of states, without the consent of the legislatures of the states concerned as well as of the Congress
2. The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular state

Section 4 Protection Afforded to States by the Nation

The United States shall guarantee to every state in this Union a republican form of government, and shall protect each of them against invasion; and on application of the legislature, or of the executive (when the legislature cannot be convened), against domestic violence.

ARTICLE V

AMENDMENT

The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the legislatures of two-thirds of the several states, shall call a convention for proposing amendments, which, in either case, shall be valid, to all intents and purposes, as part of this Constitution, when ratified by the legislatures of three-fourths of the several states, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress: provided that no amendment which may be made prior to the year one thousand eight hundred and eight shall in any manner affect the first and fourth clauses in the ninth section of the first Article; and that no state, without its consent, shall be deprived of its equal suffrage in the Senate.

ARTICLE VI

NATIONAL DEBTS: SUPREMACY OF NATIONAL LAW: OATH

1. All debts contracted and engagements entered into, before the adoption of this Constitution, shall be as valid against the United States under this Constitution as under the Confederation.

2 This Constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land;⁴¹ and the judges in every state shall be bound thereby, anything in the constitution or laws of any state to the contrary notwithstanding

3 The Senators and Representatives before mentioned, and the members of the several state legislatures, and all executive and judicial officers, both of the United States and of the several states, shall be bound, by oath or affirmation, to support this Constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States

ARTICLE VII

ESTABLISHMENT OF CONSTITUTION

The ratification of the conventions of nine states shall be sufficient for the establishment of this Constitution between the states so ratifying the same

[Constitution ratified by States, 1787-1790]

⁴¹ If a federal law and treaty conflict, the courts accept the one most recently passed or ratified. A State law always yields to a treaty.

AMENDMENTS

ARTICLE I⁴²

FREEDOM OF RELIGION, OF SPEECH, AND OF THE PRESS: RIGHT OF PETITION

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

ARTICLE II⁴²

RIGHT TO KEEP ARMS

A well-regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed⁴³

ARTICLE III⁴²

QUARTERING OF SOLDIERS IN PRIVATE HOUSES

No soldier shall, in time of peace, be quartered in any house, without the consent of the owner; nor, in time of war, but in a manner to be prescribed by law

ARTICLE IV⁴²

SEARCH WARRANTS

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated; and no warrants shall issue, but upon probable cause, sup-

⁴² The first ten amendments are restrictions upon the National government only They were adopted in 1791

⁴³ As this amendment restricts Congress only, a State may restrict the use of arms as it sees fit — *e.g.*, to militia authorized by it A State may prohibit the carrying of arms by such organizations as the Knights of Columbus or the Masons Many States prohibit the carrying of concealed weapons, or even the possession of pistols, dirks, etc.

ported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized⁴⁴

ARTICLE V⁴²

CRIMINAL PROCEEDINGS

No person shall be held to answer for a capital, or otherwise infamous, crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service, in time of war, or public danger; nor shall any person be subject, for the same offence, to be twice put in jeopardy of life or limb; nor shall be compelled, in any criminal case, to be a witness against himself; nor be deprived of life, liberty, or property, without due process of law;⁴⁵ nor shall private property be taken for public use, without just compensation⁴⁶

ARTICLE VI⁴²

CRIMINAL PROCEEDINGS (*continued*)

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state and district wherein the crime shall have been committed, which district shall have been previously ascertained by law; and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor; and to have the assistance of counsel for his defence.

ARTICLE VII⁴²

JURY TRIAL IN CIVIL CASES

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved; and no fact, tried by a jury, shall be otherwise re-examined in any court of the United States than according to the rules of the common law.

⁴⁴ Congress cannot authorize the opening of first class mail except by a warrant issued by a court. The warrant must describe the mail to be opened.

⁴⁵ *Due process of law* means the law of the land, both written and unwritten (principles known to courts). In brief, *due process of law* is what the majority of the Supreme Court of the United States thinks the law of the land to be.

⁴⁶ While this restriction applies only to the National government, the Fourteenth Amendment extends a portion of it to the States. See Amendment XIV, Sec. 1

ARTICLE VIII ⁴²

EXCESSIVE PUNISHMENTS

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted

ARTICLE IX ⁴²

UNENUMERATED RIGHTS OF THE PEOPLE

The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people.

ARTICLE X ⁴²

POWERS RESERVED TO STATES

The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people

ARTICLE XI ⁴⁷

SUITS AGAINST STATES

The judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another state, or by citizens or subjects of any foreign state ⁴⁸

ARTICLE XII ⁴⁹

ELECTION OF PRESIDENT AND VICE-PRESIDENT

1 The Electors shall meet in their respective states, and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same state with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President; and they shall make

⁴⁷ This amendment was adopted in 1798

⁴⁸ Officers of a State can be sued in some cases, which practically amounts to a suit against a State

⁴⁹ This amendment was adopted in 1804 and supersedes Art II, Sec 1.

distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each, which lists they shall sign, and certify, and transmit, sealed, to the seat of the Government of the United States, directed to the President of the Senate; the President of the Senate shall, in the presence of the Senate and the House of Representatives, open all the certificates, and the votes shall then be counted; the person having the greatest number of votes for President shall be the President, if such number be a majority of the whole number of Electors appointed, and if no person have such a majority, then, from the persons having the highest numbers, not exceeding three, on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by states, the representation from each state having one vote, a quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to a choice. And if the House of Representatives shall not choose a President, whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice-President shall act as President, as in case of the death, or other constitutional disability, of the President.

2. The person having the greatest number of votes as Vice-President, shall be the Vice-President, if such number be a majority of the whole number of Electors appointed; and if no person have a majority, then, from the two highest numbers on the list, the Senate shall choose the Vice-President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators; a majority of the whole number shall be necessary to a choice.

3. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States.

ARTICLE XIII⁵⁰

SLAVERY

Section 1. Abolition of Slavery

Neither slavery nor involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

⁵⁰ This amendment was adopted in 1865

Section 2. Power of Congress

Congress shall have power to enforce this article by appropriate legislation

ARTICLE XIV⁵¹**CIVIL RIGHTS: APPORTIONMENT OF REPRESENTATIVES:
POLITICAL DISABILITIES: PUBLIC DEBT****Section 1. Civil Rights**

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside⁵². No state shall make or enforce any law which shall abridge the privileges or immunities of citizens⁵³ of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.

Section 2. Apportionment of Representatives

Representatives shall be apportioned among the several states according to their respective numbers, counting the whole number of persons in each state, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice-President of the United States, Representatives in Congress, the executive and judicial officers of a state, or the members of the legislature thereof, is denied to any of the male inhabitants of such state, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion or other crime, the basis of representation therein shall be reduced in the proportion which the

⁵¹ This amendment was adopted in 1868

⁵² By defining *citizenship* it is made clear that Negroes are citizens

And subject to the jurisdiction thereof would exclude children of diplomatic representatives of a foreign state and children born to alien enemies in hostile occupation

⁵³ *Privileges and immunities* have never been defined, but the courts have named many things which are and are not a denial of such privileges and immunities. For example, it is not a denial to prohibit marriage between whites and blacks, nor to provide separate schools for these races; nor to provide separate coaches for the races, nor to close business places during certain hours or on Sunday. It is a denial for a State to prohibit the employment of a particular nationality, or to pass an Act excluding persons from jury service because of their color or race.

number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such state.

Section 3. Political Disabilities

No person shall be a Senator or Representative in Congress, or elector of President and Vice-President, or hold any office, civil or military, under the United States, or under any state, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any state legislature, or as an executive or judicial officer of any state, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may, by a vote of two-thirds of each House, remove such disability.

Section 4. Public Debt

The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any state shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations, and claims shall be held illegal and void.

Section 5. Powers of Congress

The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

ARTICLE XV⁵⁴

RIGHT OF SUFFRAGE

Section 1 Right of Negro to Vote

The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any state on account of race, color, or previous condition of servitude

⁵⁴ This amendment was adopted in 1870. It was passed to secure Negro suffrage and to prevent Negroes from being disfranchised.

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Section 2. Power of Congress

The Congress shall have power to enforce this article by appropriate legislation

ARTICLE XVI⁵⁵

INCOME TAX

The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several states, and without regard to any census or enumeration.

ARTICLE XVII⁵⁶

SENATE: ELECTION: VACANCIES

The Senate of the United States shall be composed of two Senators from each state, elected by the people thereof, for six years; and each Senator shall have one vote. The electors in each state shall have the qualifications requisite for electors of the most numerous branch of the state legislatures

When vacancies happen in the representation of any state in the Senate, the executive authority of such state shall issue writs of election to fill such vacancies Provided, That the legislature of any state may empower the executive thereof to make temporary appointment until the people fill the vacancies by election as the legislature may direct⁵⁶

This amendment shall not be so construed as to affect the election or term of any Senator chosen before it becomes valid as part of the Constitution.

ARTICLE XVIII⁵⁷

NATIONAL PROHIBITION

Section 1

[After one year from the ratification of this article the manufacture, sale or transportation of intoxicating liquors within, the importation

⁵⁵ Amendment XVI was adopted in 1913 It modifies Art I, Sec 9, Cl 4

⁵⁶ This amendment was adopted in 1913. It modifies Art I, Sec 3, Cls 1 and 2.

⁵⁷ This amendment was adopted in 1919 and repealed in 1933 by Amendment XXI

thereof into, or the exportation thereof from the United States and all territory subject to the jurisdiction thereof for beverage purposes is hereby prohibited

Section 2

The Congress and the several States shall have concurrent power to enforce this article by appropriate legislation.

Section 3

This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of the several States, as provided in the Constitution, within seven years of the date of the submission hereof to the States by Congress ^{58]}

ARTICLE XIX ⁵⁹

WOMAN SUFFRAGE

The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex.

Congress shall have power to enforce this article by appropriate legislation

ARTICLE XX ⁶⁰

CHANGING THE TIME OF CONVENING CONGRESS AND OF INAUGURATING THE PRESIDENT AND VICE PRESIDENT

Section 1

The terms of the President and Vice President shall end at noon on the 20th day of January, and the terms of Senators and Representatives at noon on the 3d day of January, of the years in which such terms would have ended if this article had not been ratified; and the terms of their successors shall then begin

Section 2

The Congress shall assemble at least once in every year, and such meeting shall begin at noon on the 3d day of January, unless they shall by law appoint a different day

⁵⁸ In 1933 this amendment was repealed by Amendment XXI

⁵⁹ This amendment was adopted in 1920

⁶⁰ This amendment was ratified in 1933.

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Section 3

If, at the time fixed for the beginning of the term of the President, the President elect shall have died, the Vice President elect shall become President. If a President shall not have been chosen before the time fixed for the beginning of his term, or if the President elect shall have failed to qualify, then the Vice President elect shall act as President until a President shall have qualified; and the Congress may by law provide for the case wherein neither a President elect nor a Vice President elect shall have qualified, declaring who shall then act as President, or the manner in which one who is to act shall be selected, and such person shall act accordingly until a President or Vice President shall have qualified.

Section 4

The Congress may by law provide for the case of the death of any of the persons from whom the House of Representatives may choose a President whenever the right of choice shall have devolved upon them, and for the case of the death of any of the persons from whom the Senate may choose a Vice President whenever the right of choice shall have devolved upon them

Section 5

Sections 1 and 2 shall take effect on the 15th day of October following the ratification of this article

Section 6

This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission.

ARTICLE XXI ⁶¹

REPEALING NATIONAL PROHIBITION, AND PROHIBITING THE IMPORTATION OF INTOXICATING LIQUOR INTO STATES IN VIOLATION OF THEIR LAWS

Section 1

The eighteenth article of amendment to the Constitution of the United States is hereby repealed

⁶¹ This twenty-first amendment was referred to the States by Congress in February, 1933, and was ratified by the thirty-sixth State in December of

Section 2

The transportation or importation into any State, Territory, or possession of the United States for delivery or use therein of intoxicating liquors, in violation of the laws thereof, is hereby prohibited.

Section 3

This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by conventions in the several States, as provided in the Constitution, within seven years from the date of the submission hereof to the States by Congress.

the same year This is the first amendment ever submitted to conventions of the States for ratification The previous twenty were referred to State legislatures

In referring this amendment to the States, Congress did not give any instructions as to how the conventions should be called, when, or where Each State Legislature provided for the details of its convention and paid the expenses thereof.

APPENDIX II

GOVERNMENT PRINTING OFFICE

SUPERINTENDENT OF DOCUMENTS
WASHINGTON

PUBLIC DOCUMENTS

EVERY American should be interested in the publications that emanate from this Office, for public documents are the history of the country. While a small proportion of the issues might be obtained without cost through the friendship of public men, by far the larger part must be purchased, and nearly everyone interested in the literature of the United States prefers to pay for what he desires, rather than to be under obligation for small favors. Because of this it may be desirable to give the widest possible publicity to the fact that public documents can be purchased from the Superintendent of Documents, Government Printing Office, at a nominal cost. Price lists, indicating the subjects covered, may be obtained free, upon application in person or by mail. Among them are the following:¹

¹ Lists 1 to 9, 12 to 14, etc. are omitted because they are out of print.

The character of the price lists may be better understood by an illustration. Price List 45, entitled Public Roads Office, lists several hundred reports, bulletins, and circulars, which sell for five or ten cents each. The following titles are typical. Sand-clay and earth roads in the Middle West, Dust prevention and road preservation, Bitumens and their essential constituents for road construction and maintenance, Examination and classification of rocks for road building; Road-making material in Arkansas, Public roads of Alabama (and each of the other states), Federal aid, Highway signs, Roadside improvements, Inter-American Highway, Traffic and taxation of motor vehicles.

PRICE LISTS

- | | |
|----------------------------------|---------------------------------|
| 10 Laws of the United States | 50 American History and Biog- |
| 11 Foods and Cooking. | raphy. |
| 15 Geological Survey | 51 Health. |
| 18 Engineering and Surveying | 53 Maps. |
| 19 Army and Militia. | 54 Political Science, including |
| 20 Public Lands. | Liquor, District of Co- |
| 21 Fishes | lumbria, Suffrage, and Elec- |
| 24 Indians. | tions. |
| 25 Transportation. | 55 National Museum |
| 28. Finance. | 58 Mines. |
| 31 Education. | 59 Interstate Commerce Com- |
| 32. Insular Possessions. | mmission. |
| 33 Labor, Insurance, and Cost of | 60 Alaska. |
| Living. | 62 Commerce and Manufactures. |
| 35 Geography and Explorations | 63 Navy, including Marine |
| 36 Government Periodicals. | Corps and Coast Guard. |
| 37 Tariff, Income Tax, etc. | 64. Standards of Weight and |
| 38 Animal Industry. | Measure, including Radio- |
| 39 Birds and Wild Animals. | telegraphy. |
| 41 Insects, including Bees | 65 Foreign Relations |
| 42 Irrigation, Drainage, Water | 67 Immigration, including Natu- |
| Power. | ralization |
| 43 Forestry. | 68 Farm Management |
| 44 Plants | 69 Pacific States. |
| 45 Roads | 70 Census. |
| 46. Agricultural Chemistry and | 71 Children's Bureau |
| Soils and Fertilizers | 72 Suburbanites and Home |
| 48. Weather, Astronomy, and | Bullders. |
| Meteorology | 73 Handy Books |
| 49 Proceedings of Congress | 75 Federal Specifications. |
| | Radio |

The foregoing by no means embrace all the subjects treated in public documents. If you fail to see here what you want, send your inquiries to the —

SUPERINTENDENT OF DOCUMENTS,
GOVERNMENT PRINTING OFFICE,
WASHINGTON, D. C.

APPENDIX III

POPULATION OF THE UNITED STATES (Final Figures)

RANK	STATE	POPULATION ABOUT 141,000,000 IN 1947		PER CENT OF CHANGE
		1940	1930	
1940	1930			
1	1	New York	13,479,142	12,588,066
2	2	Pennsylvania	9,900,180	9,631,350
3	3	Illinois	7,897,241	7,630,654
4	4	Ohio	6,907,612	6,646,697
5	6	California	6,907,387	5,677,251
6	5	Texas	6,414,824	5,824,715
7	7	Michigan	5,256,106	4,842,325
8	8	Massachusetts	4,316,721	4,249,614
9	9	New Jersey	4,160,165	4,041,334
10	10	Missouri	3,784,664	3,629,367
11	12	North Carolina	3,571,623	3,170,276
12	11	Indiana	3,427,796	3,238,503
13	13	Wisconsin	3,137,587	2,939,006
14	14	Georgia	3,123,723	2,908,506
15	16	Tennessee	2,915,841	2,616,556
16	17	Kentucky	2,845,627	2,614,589
17	15	Alabama	2,832,961	2,646,248
18	18	Minnesota	2,792,300	2,563,953
19	20	Virginia	2,677,773	2,421,851
20	19	Iowa	2,538,268	2,470,939
21	22	Louisiana	2,363,880	2,101,593
22	21	Oklahoma	2,326,434	2,396,040
23	23	Mississippi	2,183,796	2,009,821
24	25	Arkansas	1,949,387	1,854,482
25	27	West Virginia	1,901,974	1,729,205
26	26	South Carolina	1,899,804	1,738,765
27	31	Florida	1,897,414	1,468,211
28	28	Maryland	1,821,244	1,631,526
29	24	Kansas	1,801,028	1,880,999
30	30	Washington	1,736,191	1,563,396
31	29	Connecticut	1,709,242	1,606,903
32	32	Nebraska	1,315,834	1,377,963
33	33	Colorado	1,123,296	1,035,791
34	34	Oregon	1,089,684	953,786
35	35	Maine	847,226	797,423
36	37	Rhode Island	713,346	687,497
37	41	District of Columbia	663,091	486,869
38	36	South Dakota	642,961	692,849
39	38	North Dakota	641,935	680,845
40	39	Montana	559,456	537,606
41	40	Utah	550,310	507,847
42	45	New Mexico	531,818	423,317
43	43	Idaho	524,873	445,032
44	44	Arizona	499,261	435,573
45	42	New Hampshire	491,524	465,293
46	46	Vermont	359,231	359,611
47	47	Delaware	266,505	238,380
48	48	Wyoming	250,742	225,565
49	49	Nevada	110,247	91,058
Total . .		131,669,275	122,775,046	7 2

POPULATION OF CITIES
(Final Figures)

RANK	CITY	POPULATION		PER CENT OF CHANGE
		1940	1930	
1	New York, N Y	7,454,995	6,930,446	7.6
2	Chicago, Ill.	3,396,808	3,376,438	0.6
3	Philadelphia, Pa	1,931,334	1,950,961	-1.0
4	Detroit, Mich	1,623,452	1,568,662	3.5
5	Los Angeles, Calif	1,504,277	1,238,048	21.5
6	Cleveland, Ohio	878,336	900,429	-2.5
7	Baltimore, Md	859,100	804,874	6.7
8	St Louis, Mo.	816,048	821,960	-0.7
9	Boston, Mass	770,816	781,188	-1.3
10	Pittsburgh, Pa	671,659	669,817	0.3
11	Washington, D C	663,091	486,869	36.2
12	San Francisco, Calif	634,536	634,394	
13	Milwaukee, Wis	587,472	578,249	1.6
14	Buffalo, New York	575,901	573,076	0.5
15	New Orleans, La	494,537	458,762	7.8
16	Minneapolis, Minn	492,370	464,356	6.0
17	Cincinnati, Ohio	455,610	451,160	1.0
18	Newark, N J	429,760	442,337	-2.8
19	Kansas City, Mo	399,178	399,746	-0.1
20	Indianapolis, Ind	386,972	364,161	6.3
21	Houston, Texas	384,514	292,352	31.5
22	Seattle, Wash	368,302	365,533	0.7
23	Rochester, N Y	324,975	328,132	-1.0
24	Denver, Colo	322,412	287,861	12.0
25	Louisville, Ky	319,077	307,745	3.7
26	Columbus, Ohio	306,087	290,564	5.3
27	Portland, Oregon	305,394	301,815	1.2
28	Atlanta, Ga	302,288	270,366	11.8
29	Oakland, Calif	302,163	284,063	6.4
30	Jersey City, N. J	301,173	316,715	-4.9
31	Dallas, Texas	294,734	260,475	13.2
32	Memphis, Tenn	292,942	253,143	15.7
33	St. Paul, Minn	287,736	271,606	5.9
34	Toledo, Ohio	282,349	290,718	-2.9
35	Birmingham, Ala	267,583	259,678	3.0
36	San Antonio, Texas	253,854	231,542	9.6
37	Providence, R. I	253,504	252,981	0.2
38	Akron, Ohio	244,791	255,040	-4.0
39	Omaha, Nebr	223,844	214,006	4.6
40	Dayton, Ohio	210,718	200,982	4.8
41	Syracuse, N Y	205,967	209,326	-1.6
42	Oklahoma City, Okla	204,424	185,389	10.3
43	San Diego, Calif	203,341	147,995	37.4
44	Worcester, Mass	193,694	195,311	-0.8
45	Richmond, Va	193,042	182,929	5.5
46	Fort Worth, Texas	177,662	163,447	8.7
47	Jacksonville, Fla	173,065	129,549	33.6
48	Miami, Fla	172,172	110,637	55.6
49	Youngstown, Ohio	167,720	170,002	-1.3
50	Nashville, Tenn	167,402	153,866	8.8



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